

LEGISLATIVE BRANCH APPROPRIATIONS FOR 2023

HEARINGS BEFORE THE COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED SEVENTEENTH CONGRESS SECOND SESSION

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FAYE COBB, ELIZABETH LAPHAM, and RYANN KINNEY
Subcommittee Staff

PART 2

FISCAL YEAR 2023 LEGISLATIVE BRANCH APPROPRIATIONS REQUESTS



Printed for the use of the Committee on Appropriations

U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2022

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LEGISLATIVE BRANCH APPROPRIATIONS FOR 2023

WEDNESDAY, MARCH 30, 2022.

UNITED STATES CAPITOL POLICE

WITNESS

CHIEF J. THOMAS MANGER

OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. I now call to order the hearing on the United States Capitol Police.

Recording is in progress.

This is a hybrid hearing. So we need to address a few house-keeping matters, so if you can bear with me for a minute.

For members joining virtually, please be respectful of members in the hearing room. And do not talk over them when members in person have been recognized.

For the members joining virtually, once you start speaking, there is a slight delay before you are displayed on the main screen. Speaking into the microphone activates the camera displaying the speaker on the main screen. Do not stop your remarks if you do not immediately see the screen switch. If the screen does not change after several seconds, please make sure you are not muted.

To minimize background noise and ensure the correct speaker is being displayed, we ask you remain on mute unless you have sought recognition. The chair or an individual designated by the chair may mute participants' microphones when they are not under recognition to eliminate inadvertent background noise. Members who have virtually are responsible for muting and unmuting themselves.

If I notice, when you are recognized, that you have fraught unmuted yourself, I will ask you if you would like the staff to unmute you. If you indicate approval by nodding, the staff will unmute your microphone.

Finally, House rules require me to remind you that we have set up an email address to which members can send anything they wish to submit in writing at any of our hearings. That email address has been provided in advance to your staff.

Okay. So let's begin. Chief Manger, very happy to see you. Thank you for being here.

Chief Administrative Officer Richard Braddock, members of the Capitol Police Executive Team, Thomas DiBiase, U.S. Capitol Police General Counsel, and the FOP Chairman Gus Papathanasiou.

Thank you for being here. We appreciate all the work you guys are doing, together with the management and labor, to make this whole operation work.

I want to thank each of you and all the officers and civilians at the Capitol Police who work tirelessly to ensure the safety and security of the Members, employees, visitors, and facilities, both here and within our districts.

The Capitol Police have a very unique role as the only law enforcement agency solely responsible for protecting the Congress and the U.S. Capitol complex. I repeat this at each of our hearings to emphasize the essential role the Capitol Police plays as an agency of the legislative branch. The men and women of the Capitol Police put their lives on the line each day to ensure Congress can operate efficiently and carry out their roles as described in the Constitution. You do your jobs so that we can do ours.

Thank you for joining us this morning to discuss the department's fiscal year 2023 budget request. Currently resources for the Capitol Police are 10 percent of the entire legislative branch budget, totaling \$602.5 million. Today you will be requesting \$708 million, a significant increase above what was already provided in supplemental funding and the fiscal year budget. This is an increase of \$105.5 million over the fiscal year 2022 enacted totals.

Safety, security, and wellness remain this subcommittee's top priorities. I don't need to tell you that the threats to Members and the Capitol complex are significantly on the rise. As stated in your request, increases in the numbers of threats and directions of interest towards Members of Congress have increased tenfold in the past 5 years.

In one year, from 2020 to 2021, these threats and directions of interest towards Members increase almost 12 percent, reaching as high as 9,625 threats.

On January 6th, we witnessed how these threats turn into action. Today, Chief, I hope you will address how your budget request of an additional \$905 million reflects the Capitol Police's response to the many security recommendations that have been made since the attack and how more resources will positively impact the security planning, policies, and procedures that were lacking on that day.

The continuous rise in threats makes it clear that increases in improvements are needed. But we on this committee need to understand in detail how any increases provided will be used to increase our security posture and keep us, our staffs, and visitors safe.

As the Capitol campus begins to reopen to the American public, we need to understand the plan for this year, next year, and the future. We need to know how your request will enhance security, be regularized, and make us all safe.

I look forward to your testimony today.

At this point, I would like to yield to our ranking member, my friend and colleague from Washington State, Ms. Herrera Beutler, for any opening comments she would like to make.

OPENING STATEMENT OF RANKING MEMBER HERRERA BEUTLER

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

And thank you, Chief, for being here. Welcome to your first hearing, hopefully the first of many.

As was stated, the United States Capitol Police fiscal 2023 request is about a 17.52-percent increase over last year. I don't need to go into all those numbers. We talked about this a little bit as well.

And for those who are not aware—I know the folks in this room are, but those who may be watching—the Capitol Police serve to protect this Capitol, the people's House. And it is the epicenter of and a beacon in terms of democracy. And, yes, it is an increasingly partisan political landscape. It is probably not more partisan than it has been at times in the past.

I really think that everything together, including frustrations from a global pandemic, has brought to a boil feelings and emotions here that probably I think everybody, the stress of it, everyone is feeling. Only your members, your staff have to do a job to keep people safe in the middle of all of that and allow it to still function.

The daily service and the sacrifices of the Capitol Police, the men and women who wear that uniform, I think are amazing. They give it to protect a historic—not a monument but a living, breathing example of what our country is. And it is here in the heartbeat of democracy. So we are really, really grateful to you. And we are grateful to the men and women who continue to come in every day.

Over the last year, the department, the leadership, and the policies of the department have been justifiably scrutinized through numerous reviews stemming from the January 6th insurrection.

Those include Capitol Police by the inspector general, the Architect of the Capitol inspector general, the GAO, Government Accountability Office, third-party assessments, and numerous congressional reviews, including by this committee, that have offered substantial recommendations in the needed evolution of the operations of your department. In fact, we installed a new chief.

In addition to the enhancements to your intelligence and investigative capabilities, enhanced training, developing better resources, management methods, and advancement to the department's overall culture are still a work in progress. You are building on it, but it still is going to grow.

As the Capitol Police expands its reach across the Nation, investigating threats aggressively—we talked about this. I am just going to repeat it because I think people need to know. We went from, you know, 1,000 to maybe 1,500 threats about 5 or 6 years ago to Members of Congress to almost 10,000 in a year. That is today's numbers. And that is what you are tasked with trying to help manage, all this while you are trying to rebuild your force here in D.C.

And increasing your capabilities and your resources right now really is the perfect time to implement a lot of the recommendations that have been from these ongoing assessments. So these recommendations and the best practices, I think, should be the foundation to the advancement of department and how its human and its technical and physical resources function. That is my view.

As various recommendations are implemented—and I know you have been, you are doing that—and changes are made to the way that the department operates, it is important that there be an in-

creased transparency and accountability because people are going to need to see how this is happening.

This department's first budget request—this is the first budget request since January 6. And it takes into account the resources Congress provided in the security supplemental last year and now must account—now must be accounted to your overall funding.

I believe the subcommittee recognized we would see an increase in your budget request this year, but you are asking for over \$100 million increase. An increase that significant obviously needs to be thoughtfully considered in view of the public, and I look forward to hearing more about the resources the Capitol police need and are requesting today and through this hearing.

So thank you for be here. We really appreciate it.

I yield back.

Mr. RYAN. Thanks, Ms. Herrera Beutler. Thank you, Ms. Herrera Beutler, for be the great partner in all this over the last couple of years. So we appreciate your leadership.

The chair of the full committee, Ms. DeLauro.

OPENING STATEMENT OF CHAIR DELAURO

The CHAIR. Thank you.

Thank you very much, Chairman Ryan and Ranking Member Herrera Beutler. This is an incredibly important hearing, and I want to say a thank to you Chief Manger for testifying here this morning.

It has been just a little over a year since a mob of violent insurrectionists stormed the Capitol. Their intent was on stopping the peaceful transfer of power. A horrifying day for many of us but even more so horrifying for the women and men of the U.S. Capitol Police. Many of them risked their lives defending us and our democracy. And four officers ultimately lost their lives. Others suffered serious injuries, while still more are continuing to suffer from the psychological traumas that they endured.

As these officers recover from that day and return to post-COVID operations, which include opening the campus to visitors, it is critical that we ensure the force is sufficiently equipped to meet existing security needs and that we fully support the Capitol Police.

The Capitol Police are dealing with more threats, as has just been mentioned by our ranking member, that almost 10,000 threats against members that are becoming more sophisticated and are involving individual actors as well as domestic terrorist groups.

The Capitol Police continue to be called upon to protect the Congress, not only here in D.C. but also in our districts. This means the Capitol Police of yesterday is no longer sufficient to meet the challenges of today or tomorrow, and it is our responsibility to help equip them to meet those increased challenges.

That is why I am proud that we were able to include an increase of \$87 million for the Capitol Police in the fiscal year 2022 government funding package. That funding will support more than 2,000 officers, over 450 civilian members of the Capitol Police force. This funding also included several significant measures to help bring more transparency, diversity, leadership training, and to standardize vetting of individuals who seek employment with the Capitol Police.

It has been said, but it is worth saying over and over again: You protect us every single day. You put your lives on the line every single day. That has implications for the police force, but there are implications for your families as well and their concern about what happens to the men and women that they love, and are they being safe?

We recognize, and we need to recognize for those who don't, what a tough job this is. And what we need to do is to respect the work of the Capitol Police and that we must provide the resources that are necessary. For you to do your job to protect us, we need to protect you.

And I would probably go so far as saying is that these days there is a low morale problem with law enforcement agencies. Capitol police, police departments around the country, we need to let you know and our law enforcement agencies around the Nation that we are here to fund the police and to make sure that you have what you need to get the job done.

And so we know that how we want to—there are new challenges, and, therefore, we need to do more. As I said, we need to honor the sacrifices. But we need more funding for staffing, providing for hazard and retention bonuses, increase overtime pay, student loan repayment, and, most importantly, a better work-life balance. It means providing for the mental health that the chair spoke about so that the officers of the Capitol Police remain resilient and committed to the indispensable role they play while also ensuring they feel respected and valued in the critical work that they do to secure the United States Congress.

With that, let me yield back.

And I thank you so much, Chief, for being here and look forward to your testimony.

CHAIRMAN OUTLINES PROCEEDINGS

Mr. RYAN. Thank you, Ms. DeLauro.

I agree with you 1,000 percent on what you said. We are seeing these issues all over the country of people not—having difficulty filling spots in departments all over the country.

So, Chief, at the beginning of your testimony, please introduce any colleagues that you have here joining you with your presentation.

And, without objection, your written testimony will be made part of the record. Please summarize your statement for the members of the committee. And, once you have finished your statement, we will move to the question-and-answer period.

Thank you again for being with us, and the floor is yours.

TESTIMONY OF CHIEF J. THOMAS MANGER

Chief MANGER. Thank you. Thank you, Chairman Ryan. Thank you, Chairwoman DeLauro. Thank you Ranking Member Herrera Beutler, and members of the subcommittee. I appreciate the opportunity to present the United States Capitol Police budget for fiscal year 2023.

And, Chairman Ryan, thank you for acknowledging the several members of my staff that are here. Also with us is Acting Assistant

Chief Sean Gallagher. And, as you mentioned, we have the CAO, my general counsel, and the chairman of the FOP, who I am very pleased is here as well.

Mr. RYAN. You need to say his last name for us.

Chief MANGER. Gus Papathanasiou.

Mr. RYAN. Excellent.

Chief MANGER. If that is my first question, I answered it well. But I told him it is like Cher. He can just go by Gus. Everybody knows who he is.

As this committee knows very well, our mission is complex, relentless, and unique in Federal law enforcement. As has been said by several members of this committee, we are responsible for the protection of the United States Capitol, the most notable symbol of democracy around the world.

This fiscal year 2023 budget request allows the United States Capitol Police to keep pace with the evolving challenges, the additional responsibilities, and increasing service demands that we face. From the dramatic increase in threats against Members of Congress to increased staffing needs, recruitment and training demands, all of the United States Capitol Police organizational elements are being tested to keep up with this increased workload.

Following the events of January 6, the Congress appropriated over \$106 million in emergency supplemental funding. These funds were not only intended to provide desperately needed support for the department but to also address deficiencies and lay the foundation from which the USCP could begin to transform from a primarily policing organization into a protective agency.

The emergency supplemental appropriation went toward the procurement of much needed safety equipment to include state-of-the-art civil disturbance response equipment and reimbursement for critical State and local law enforcement assistance in meeting the department's mission across the country.

It also provided the establishment of the reimbursable mutual aid agreements with local and State and Federal law enforcement partners to ensure that the Capitol Police has the capacity to respond to critical incidents within the Capitol complex. This authority has proved to be very valuable and has been utilized on several occasions so that the congressional community remains safe and can proceed with its business uninterrupted.

The department's fiscal year 2023 budget request serves as a midpoint in this transformation process. In developing the fiscal year 2023 budget request, we considered the previous funding for various programmatic activities with the understanding that the inspector general's investigations into the challenges and failures leading up to January 6th remain ongoing and may lead to future resource requirement needs.

The IG has submitted numerous flash reports, which include findings on policy, training, deployment, leadership, and staffing gaps that affected the department's preparedness and response to the events of January 6th. Additionally, select recommendations from General Honore's report commissioned by the United States House of Representatives were also reviewed and factored into the formulation of our budget request.

In fact, as has been pointed out, this is the first budget that has been prepared since the IG reports have been completed. And many, if not most, of the requests that you will see in our fiscal year 2023 budget submission, are tied directly to the inspector general's recommendations.

The fiscal year 2023 USCP budget request, therefore, is over \$708 million, which is an increase of 17.5 percent over the fiscal year 2022 enacted levels. This includes budgetary authority and resources to fund 2,126 sworn officers and 567 civilian positions. Specifically, this request is focused on nine areas that are critical to transform the department into a stronger protective agency.

The nine areas of focus are, first, the normalization of staffing levels for post-COVID and post-January 6 environment. Our staffing levels pre-pandemic and pre-January 6 are, frankly, now inadequate and unsustainable in our ability to fulfill our mission moving forward.

Number 2, enhancing the department's intelligence capabilities; three, expanding dignitary protection capabilities; four, expanding the capabilities to address threats, directions of interest towards Members, to enhance our cybersecurity, and to be able to do additional criminal investigations; five, expanding physical and technical security capabilities in support of securing the Capitol complex; six, enhancing major event planning and command and control and coordination; seven, enhancing response in special operations capabilities; eight, reengineering training capabilities to meet the recruit training, in-service training, physical skills, professional development, and leadership training; and nine, enhancing the support operations infrastructure in order to execute mission-oriented transformational activities.

Additionally, in this budget, the department is seeking to fund the continued development and implementation of additional wellness and resiliency resources for our workforce.

And, lastly, the fiscal year 2023 budget request includes the cost associated with the utilization of contracted security guards to address secondary security posts. This will allow our officers to be realigned to meet critical frontline security requirements, while additional, full-time personnel are recruited, hired, and trained.

Mr. Chairman, the events of January 6th exposed critical deficiencies with operational planning, intelligence, staffing, and equipment. I recognize those issues have to be addressed, and that is the basis for our fiscal year 2023 request. My leadership team and I are focused on the transformational change needed to make the improvements in those areas both now and in the future.

We thank the subcommittee for its support and guidance during this process and for its support with both the Emergency Security Supplemental Appropriations Act and the Consolidated Appropriations Act of 2022 and for its keen understanding of our mission and the required resources needed to deliver the services expected by the Congress in the future.

Thank you again for this opportunity to appear before you, and I am pleased to answer any questions that you might have.

[The information follows:]

**Formal Statement of J. Thomas Manger,
Chief, United States Capitol Police**

**For the United States House of Representatives
Committee on Appropriations, Subcommittee on the Legislative Branch**

March 30, 2022

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee, thank you for the opportunity to present the United States Capitol Police (“USCP” or “Department”) budget request for Fiscal Year (“FY”) 2023. The Department greatly appreciates the Subcommittee’s continued support of the women and men of the Department as well as Congress’ generosity in providing the resources needed to support our crucial mission to protect the Congress and the U.S. Capitol.

The USCP mission is complex, relentless, and unique in federal law enforcement. Each day, the Department protects the U.S. Capitol, the symbol of democracy around the world, an institution that in the very near future, will once again be open to the general public. As part of its mission, the USCP protects Members of Congress, the legislative process, staff, and the dignitaries and visitors that are present on the Capitol Grounds on a daily basis. To fulfill its mission, the USCP must keep pace with evolving challenges, additional responsibilities, and increasing service demands. From the dramatic increase in threats and directions of interest against Members of Congress, to increased staffing, recruitment and training demands, all USCP organizational elements are being tested to keep up with the increased workload and as a result, our resources are stretched.

In my testimony today, I will touch on three general themes to frame where the Department is currently, and where we are going over the next several years. Those themes are:

- 1) Allocation of Emergency Security Supplemental Appropriations Resources;
- 2) FY 2023 Budget Request; and
- 3) Future State of the United States Capitol Police.

Allocation of Emergency Security Supplemental Appropriations Resources

Following the events of January 6, 2021, the Department worked closely with the Congress to identify mission requirements for responding to and transforming from those events. As a result, the Congress appropriated \$106.06 million in emergency supplemental funding. These funds were not only intended to provide support to the Department, but to lay the foundation for which the USCP could begin to transform from a primarily policing organization into a protective agency.

As a top priority, the emergency supplemental appropriation provided funding to address the safety, health and wellbeing of the workforce. This included money that provided hazard bonuses to employees who responded to the events of January 6, 2021; retention bonuses necessary to retain personnel after we saw attrition nearly double our normal rate; student loan repayments, which has also served as a valuable recruitment and retention tool; and funding to partner with the U.S. Marshals Service to provide peer-support and other critical incident

response capabilities for the USCP. To address the enhanced protective mission requirements, the supplemental funding also provided us the ability to address increased overtime requirements; to hire intelligence analysts, wellness specialists and trauma-informed employee assistance specialists; and to provide additional threat based protective details for Members.

The emergency security supplemental appropriation also provided general expense funds to support the advancement and upgrading of equipment, tools, and systems to more effectively carry out our mission. General expenses funding went toward the procurement of critical life-safety equipment for officers and operational civilians, to include state-of-the-art civil disturbance response equipment; the reimbursement for much needed state and local law enforcement assistance in meeting the Department's mission across the country; the implementation of advanced technology to support the enhancement of the Department's intelligence analysis capacity; intelligence analysis capabilities within the USCP regional office functional areas; and mobile phones for all USCP sworn personnel so that critical threat and intelligence information could be immediately disseminated for awareness and action.

Understanding the critical nature of times when the Department needs assistance to protect the Capitol Complex, the emergency security supplemental appropriation provided the Department mutual aid funding. Accordingly, Public Law 117-31 provided for the establishment of reimbursable mutual aid agreements with local, state, and federal law enforcement partners to ensure the USCP has capacity to respond to critical incidents within the Capitol Complex. This authority has already proven invaluable, as the Department has utilized this provision on several separate occasions since the passage of the supplemental appropriation, ensuring that the Congressional community remained safe and could proceed with its business uninterrupted.

FY 2023 Budget Request

It is important to put the last five years into context, in order to fully understand where the Department is going and how the FY 2023 budget request serves as the middle point of the transformation process. First, the operational mission load of the Department's uniformed operations has increased significantly, to include requiring enhanced security within the House parking garages, the O'Neill House Office Building, around the chambers, and the implementation of a pre-screener program. At the same time, specialty unit capabilities expanded to meet our mission's ongoing evolution, most notably the canine explosive detection program and the Hazardous Devices Section.

Second, the shooting at the Congressional baseball practice in Alexandria, Virginia, marked an accelerated rate of both threats and acts of violence directed toward the Congress. Since that time, the oversight and constitutional responsibilities of Congress has garnered unprecedented attention through increased demonstration activities on the Capitol Grounds and often hostile social media commentary. This has resulted in the necessary bolstering of operations for dignitary protection, threat assessment, criminal investigation, and intelligence capabilities. Officers in all of these areas require the necessary training to fully and efficiently perform these functions resulting in a need to increase officer training.

Third, the USCP had to pivot to an entirely new operational and administrative model when the global pandemic hit in March 2020. All recruiting and Academy training was suspended and the Federal Law Enforcement Training Centers (FLETC) paused operations,

resulting in the postponement of recruit officer hiring for nearly a year. The outcome resulted in unprecedented levels of sworn attrition and no new sworn officers being added to fill the void to support our critical mission during this period. The Department also had to adapt its recruiting, testing and hiring processes to be fully virtual, while maintaining the highest employment suitability standards, in order to prepare for the reopening of FLETC while still operating in a pandemic environment. In addition, the Department had to implement health-safety protocols for carrying out its mission all while having hundreds of employees fall ill from the virus. Added to those challenges was dealing with the requests for reasonable accommodations from employees due to the pandemic, which impacted officer utility to fulfill operational mission requirements.

Concurrent with the aforementioned challenges was the public's declining perception of the law enforcement profession and the significant impacts to officer morale following the events of January 6, 2021. We also experienced a profound impact from the deaths of four USCP officers within a five month period, all of which contributed to ever increasing sworn attrition that outpaced the Department's ability to backfill vacancies. Collectively, these factors, among many others, have resulted in a considerable strain on the Department's resources and capabilities.

It is important to note, however, that throughout these challenges the Congress provided generous support and resources to the Department. Without Congress's support, the Department's ability to successfully meet its mission would have been in grave doubt.

In developing the Department's FY 2023 budget request, we considered the previous funding provided for the various programmatic activities, with the understanding that investigations into the challenges and failures leading up to and on January 6, 2021, remain ongoing and may lead to future resource requirement needs.

However, to a large extent, this FY 2023 budget request is predicated on what we know now. The request is being guided, in part, by recommendations set forth by the USCP Office of Inspector General. The Inspector General has submitted numerous flash reports which included their findings on contributory policy, training, deployment, leadership, and staffing gaps that affected the Department's preparedness and response to the events of January 6. Additionally, select recommendations from the General Honoré Report (Task Force 1/6) commissioned by the U.S. House of Representatives, were taken into consideration. This report included physical security, staffing, and operational recommendations for improvements to the safety and security of the Capitol Complex and the operational capabilities of the USCP. In addition, recommendations contained in the joint report issued by the United States Senate Committee on Rules and Administration and the Senate Committee on Homeland Security and Governmental Affairs were also reviewed, adopted, and factored into the formulation of the budget request. All of the above referenced reports share a commonality regarding the need for enhanced intelligence analysis and Member protection capabilities within the Department.

Through the continued transformation of the Department in a post-January 6 environment, the mission load of the USCP will undoubtedly continue to increase as we experience an intensifying threat environment and more routine occurrences of large-scale demonstrations on Capitol Grounds. The continuous process of evaluation, change, and improvement that is needed to ensure the USCP can meet its mission nonetheless has put a strain

on the Department and its personnel because it affects every facet of the organization both operationally and administratively. Ultimately, the mission must be carried out by both sworn and civilian employees. The Department's budget request therefore represents our commitment to protect the Capitol Complex and Member safety while considering the necessary resources to support our sworn and civilian employees, as well, in the execution of our mission.

Accordingly, the FY 2023 USCP budget request includes budgetary authority and resources to fund 2,126 sworn and 567 civilian positions. This includes funding for 126 new sworn officers toward mission critical requirements, to include but not limited to K-9 officers, intelligence analysts, threat assessment agents, and counter surveillance officers.

The request for the Salaries appropriation is \$522.280 million, which is an increase of \$53.419 million over the FY 2022 enacted level. The cost increases are attributed to the annualization of salaries for authorized FTEs; the annualization of benefits; COLA, lump sum and miscellaneous payments; overtime; the student loan repayment program; retention allowances; and recruitment bonuses. The General Expenses request is \$185.818 million, which is an increase of \$52.170 million over the FY 2022 enacted level. For Salaries and General Expenses together, the total budget request for the FY 2023 annual budget appropriation is \$708.098 million, which is an increase of 17.52% over FY 2022 enacted levels.

Within this budget request, the Department is asking for increased Salaries and General Expenses funding focused primarily in nine areas intended to continue the Department's efforts to transform into a more protective law enforcement organization. The nine areas of focus are:

1. Continuation of normalization of staffing levels and work-life balance for the post COVID-19 and January 6, 2021, environment;
2. Enhancing the Department's intelligence capabilities;
3. Expanding Dignitary Protection capabilities;
4. Expanding the capabilities to address threats / Directions of Interest toward Members / Cyber-security and other investigations;
5. Expanding physical and technical security capabilities in support of securing the Capitol Complex;
6. Enhancing event planning and command & control coordination;
7. Enhancing response and special operations capabilities;
8. Reengineering training capabilities to meet recruit officer, in-service, physical skills, professional development and leadership development needs; and,
9. Enhancing the support operations infrastructure in order to execute other mission-oriented transformational activities.

Furthermore, in this budget request the Department is seeking funding to continue the development and implementation of additional wellness and resiliency elements. Since the beginning of 2021, two officers died in the line of duty, one officer was lost to suicide, and two officers passed away following a significant health issue. Each of these losses of our valued colleagues were further exacerbated by the impacts on our employees and their families from the events of January 6, 2021; the fatal attack on April 2, 2021 at the North Barricade of the U.S. Capitol; and the ongoing pandemic. It is our responsibility to support the women and men who carry out the mission during these unprecedented times. The Department will do that through expanding its wellness and resiliency programs, implementing innovative human capital

management protocols, requesting improvements to annuity-related benefits, utilizing specialty pay to incentivize mission sets, and increasing training to ensure our officers and our administrative support teams are prepared to support their respective critical mission functions in a holistically healthy manner. In addition, the Department is seeking funds to increase its recruitment efforts through new hiring strategies to grow the number of qualified sworn applicants, which will assist with the work/life balance of our current personnel once those are applicants are onboarded.

And lastly, the FY 2023 budget request includes the costs associated with the utilization of contracted security guards to address secondary security posts. This will allow onboard sworn personnel to be realigned to meet critical frontline security requirements while additional full-time sworn personnel are recruited, hired, trained, and deployed effectively. This will also have a direct impact on the Department's ability to address immediate work/life balance issues facing our workforce.

Future State of the United States Capitol Police

History has shown us the challenges the USCP must be prepared to meet in the performance of its mission. The velocity, trajectory, and sheer number of threats the Department must be prepared to detect, assess, prevent, deter, address, and mitigate are ever evolving and are increasing. These multi-dimensional threats are posed by lone individuals with malicious intent, domestic terrorist groups, and international organizations. In addition, the advent of advanced technology brings with it new and ever-more complex threats, both against the Congress and the community we protect.

The events previously faced by the Department, the USCP's current posture and the potential for future impacts drives the resource allocation and mission capabilities for the Department. As the USCP looks to the future, we will be focused on investing in the workforce; optimizing operational capacity, resiliency, and readiness to meet mission requirements; enhancing information and intelligence gathering, analysis, utilization and dissemination; training to prepare to address challenges; and maintaining the responsible management of the resources generously provided by the Congress. As a central part of these general focus areas, I anticipate our workforce will continue to grow as we adapt our sworn staffing model to accommodate both current and future requirements, while also ensuring the women and men who stand post each day have the opportunity to have a greater work/life balance than today.

Mr. Chairman, as the Department has noted over the last year, the events of January 6, 2021, exposed critical deficiencies with operational planning, intelligence, staffing, training, and equipment. I recognize those issues have to be addressed, and that is what we are doing. My executive leadership team and I are focused on the transformational change needed to make improvements in these areas both now and in the future, as well as ensure the workforce has the necessary wellness and resiliency tools at their disposal so that we remain a strong agency. We thank the Subcommittee for its support and guidance during this process, for its support with both the Emergency Security Supplemental Appropriations Act and the Consolidated Appropriations Act of 2022, and for its keen understanding of our mission and the required resources needed to deliver the services expected by the Congress in the future.

Thank you, and I would be pleased to answer any questions at this time.

OUTSTANDING RECOMMENDATIONS

Mr. RYAN. Thank you, Chief. I appreciate it.

We are going to go right into questions, and I will begin and start the process here. As we think about the reopening, all I can think about here is the safety and security, you know, continuing to hear stories from Members on that day, stories from officers on that day, seeing footage from January 6.

So we know that there have been nearly a dozen reports, as you mentioned, offering 104 recommendations by the GAO and various other organizations on needed improvements and reform. So, as we move to reopen safely, I just have a couple of questions here.

So 42 of the 104 recommendations that I mentioned have been closed. And, for those 62 recommendations that are not implemented, how does the fiscal year 2023 request address the additional resources or changes needed for the Capitol Police to close those additional recommendations? And can you provide a couple of examples for us of those outstanding recommendations, kind of at the top of your list as to your priorities?

Chief MANGER. So, as we prepared the budget document for the clerks, one of the things that I had my folks do was with each individual request, if it tied to an inspector general recommendation, to list that recommendation that it was tied to. So you will see many of the requests that we make are tied directly to one of the inspector general's recommendations.

General Honore's report had a number of recommendations as well. We have notated those that are as a result of recommendations from the Honore report.

So many, if not most, of the requests we are making come right from those recommendations. Some examples: additional training instructors, specialty equipment for the Civil Disturbance Unit, additional criminal specialists to enhance our data analytics related to Member protection, additional mountain bike officers, and an expansion of our K-9 program. These are just some of the examples. Some of them involve additional position requests. And, again, they are tied directly to the recommendations from the inspector general.

RECRUITMENT OF OFFICERS

Mr. RYAN. So the increase in full-time officers, what is the timeline? Can you give us an idea? I know you have got to get training. You got to go recruiting. As we mentioned, there is difficulty recruiting cops all over the country. You are in a very unique situation here, competing with southern Maryland and northern Virginia. There is all kinds of issues you are dealing with. Give us an idea of your timeframe for a ramp-up and how this request fits into the ramp-up.

Chief MANGER. So, as I mentioned in my initial remarks, this—we are about halfway through from the—from January 6 to the present, we have made a lot of improvements. We have gotten a lot accomplished. We are about halfway done. I think we are in the midpoint of where we need to be. If we are able to get what we are requesting in the 2023 budget, that puts us another lap or two around the track.

Mr. RYAN. What does that mean?

Chief MANGER. Well, I think we are—we will be just, in broad numbers, three quarters of the way there if we are able to get this done.

And so, in terms of numbers, right now this budget request would put us around 2,140 officers, sworn officers. Right now, we have I think, 1,849 officers, if memory serves. So we are close to 300 below where we need to be. And some of those—now, not all of those—I am not asking for 300 additional positions because some of those positions are already authorized. We just haven't been able to fill them because we have gotten behind in attrition because FLETC being closed for nearly a year for COVID. That has put us behind the eight ball in terms of our staffing, but we are making progress.

I have got about 130 officers in the pipeline in training right now. Some of them are—have—I just spoke with a group yesterday, a new class yesterday, second day on the job. I just spoke with them yesterday. We have got other folks that are getting ready to graduate the academy. But in the pipeline, somewhere in that pipeline we have got 130 officers in training right now.

So this—and this goes to so many of the questions I am guessing that the committee has about reopening and, you know, when we will be ready to be able staff all the, you know, staff the CVC and all those sorts of things. We do have a phased reopening plan where we can staff, as we can staff these positions, we can get closer back to the way things were pre-COVID. We have already begun. We are making progress already. We will be able to do more by Memorial Day, more by the end of the year.

But it is—we are still—and I hope I am answering your question. I mean, we have still over 300 officers below where we are authorized. And eventually I think somewhere around between 2,300 and 2,400 officers is where I think we need to be 5 years from now.

So I hope that answers your question.

Mr. RYAN. Yeah, that did.

OFFICER ATTRITION

What is—as far as, you know, read stories and just kind of talking to the officers coming in and out of the buildings, people quitting, I mean, we are seeing this, again, across the country. How is that? What is the mood? Are people leaving still? Are cops leaving still? Are they looking for other work? Are they looking to get out of the profession entirely? How is that affecting the Capitol Police?

Chief MANGER. Well, as you know, that is a national trend. I would say to you that post-January 6, we saw our attrition rate nearly double. So, clearly, there were folks that rethought their, you know, rethought the job, rethought about whether they wanted to continue to work here, do this job, and more than double—about double what we normally see leave for the department through retirements and resignations.

We have seen that scale back now. I think the retention bonus that we got, we were able to give, through your actions, has made a big difference.

But the one thing that I have been very pleased is that, much like after 9/11, there was no problem from the military or from

public safety in terms of recruiting. People wanted to serve their country. And there really has been—we—the one thing—while we have seen our attrition go up, while we had the issue with FLETC being closed for nearly a year, the fact is that there are still people that want to serve their country by being a Capitol Police officer. We have had more success and not seen the difficulty in recruiting folks to at least come in through the door.

Now, look, we still only hire about—less than 10 percent of the people that apply to be Capitol Police officers actually meet our standards. But we have enough people interested in serving that we have not had a problem at least getting the applications to come in.

Mr. RYAN. Okay.

Chief MANGER. My hope is that that continues and that we continue to be able to fill the classes that we have got scheduled so that we can get those staffing numbers up over the next year or two.

INTELLIGENCE

Mr. RYAN. Just quick, one quick question here, because my time has expired. But I am the chairman. So I am going to take some liberties here.

The intelligence issue, that was a key issue on January 6, where there was a bottleneck, and the information that the department had did not make its way down to the rank-and-file members. Can you talk to us about that issue, and has it been fix and to your standards?

Chief MANGER. The short answer to that question is, yes, we are making great progress. Through the supplemental, we were able to get a really great jump-start in terms of what we needed. This fiscal year 2023 budget, you will see additional requests related to intelligence and building up our capability. And, again, the supplemental got us halfway there. This budget is going to get us, you know, much further along, and so we have asked for additional positions.

We are bringing on board a new director of intelligence. He comes from the NYPD. He was the director of intelligence analysis for the NYPD. He has a great deal of experience in the field, and we are very excited. He begins, I think, in the next week or two. And he certainly has a vision about what he would like to do, and we are trying to make sure that we give him the resources to enact that vision.

The issues that we had before were gathering, analyzing, sharing, using intelligence, disseminating it among our own staff. Those issues have been fixed. I mean, we are doing a much better job at doing those kinds of things.

So there is still more work to be done because part of making this transformation into a protection agency involves a robust intelligence capacity, not just in an intel unit but to have intelligence analysts who work for the United States Capitol Police in different task forces, over at the FBI, over at DHS, and in different, other divisions within the organization so that the information is getting disseminated and shared with all the people that need it and that it becomes part of our operational planning.

Mr. RYAN. Great. We would probably love to meet him when he gets settled.

Chief MANGER. We will make sure that happens.

Mr. RYAN. Just kind of meet and greet and hear his vision.

Ms. Herrera Beutler.

ACCESS TO THE CAPITOL

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

I am going to switch gears a little bit. We talked about this in my office. The Capitol has been closed about 2 years now, and a few days ago Capitol officials unveiled a proposal to reopen the complex. And, under the plan, we would still be months away from providing our constituents with full access to their Capitol.

And, in January, General Walker—and we had this conversation as a committee or committee members, I believe—cited COVID as kind of the dominant reason—and things looked a little different in January—but the dominant reason the Capitol complex was still closed while recent reports really talk about the constraints you have in terms of staffing and opening doors and being at the right stations.

In either respect, since closing down, the goal of reopening, I think, should be another priority. It should be up there with some of these other things we have talked about. How was the decision to implement the phased reopening made, and who gave that direction? And, over the last couple of years, given the resources the department has been provided, how has the department been working to address the staffing shortages and security concerns in preparation?

Chief MANGER. So I will take responsibility. It was my decision to recommend to the leadership of the House that we do a phased reopening because we could—we don't have the staffing to be at all the posts where we were pre-pandemic.

One of the reasons is we have more posts now than we had pre-pandemic because of a fair—a number of issues. We are staffing posts that didn't exist 2, 3 years ago.

So I appreciate the willingness to and the understanding that we can open limited tours, you know, for now. But, again, you will see the CVC opened in a limited capacity hopefully by Memorial Day. By the end of the summer, my hope is we can do a little bit more.

So, as we have the staffing, we want this facility opened as much as anybody. And I regret that we are the chokepoint; we are the problem in terms of getting it reopened fully. But I do think everybody is on board that they want to make sure that the safety and security of this campus is what it should be as we reopen.

So we had, as I mentioned before, we are—we have multiple training classes in progress. We typically would do three, four, five a year. We are now doing over 12. Now I think this year we may end up doing 13.

CONTRACTED HELP

Ms. HERRERA BEUTLER. Okay. I am going to switch gears a little bit because we talked a little bit about contracted help to supplement in some of these instances.

Chief MANGER. Yes.

Ms. HERRERA BEUTLER. Not to take over positions but to help with this process.

I have seen reports that say about three quarters of the contracted security guards can't pass a basic background check. Is that—so has that delayed the rollout? And is it—how is the department—I mean, I have got to believe that there has got to be a security company that has got a better system. How is that being addressed?

Chief MANGER. So, when we first heard the number of the—the first group, that we were having difficulty finding folks that could pass the background check, we decided to contract with additional firms. And we are having much better luck now in getting folks that can pass the background check because we didn't want this to delay things.

So, if there was a delay, it was a matter of maybe a week or two. But we do have folks that have passed. When we get them on board, they are going to go through, I believe, about a week of training. And then they will be—we will be able to deploy them in the field. And I do think it is important to—

Ms. HERRERA BEUTLER. In noncritical positions.

Chief MANGER. Yes. The secondary posts, and this is a temporary solution.

Ms. HERRERA BEUTLER. I understand that completely. And I think that makes sense, given the fact that we are over 300 down from where we should be with regard to officers, and that is going to take some time to backfill.

Earlier this month—this is a little bit of a transition—GAO released a report raising concerns about officers training in preparation to respond to violent demonstrations and that senior leadership needed to—and this is a quote—better understand and address officers' morale issues and concerns with using force.

How are you addressing that GAO list, those recommendations?

Chief MANGER. So it is a training issue. And everyone has—is getting additional training. We have already started this. And, with regard to use of force, first and foremost, it is legal training because use of force has to be lawful. And so that is a big part of the training.

But you add in de-escalation training, emphasis on communication skills. Frankly, if—the officers who have the best communication skills in terms of dealing with people have the—usually have the lowest uses of force.

But we have got officers trained in cultural competence, duty to intervene. We have got less lethal training and more capacity and more training that is being done for the less lethal to better protect our officers.

And one of the big things is, especially with civil disturbance and crowd control, is that we have—we are training—we are forming teams, CDU platoons, that will be teams that work together all the time. So you are working together with the same people all the time. They are training together. They are training with other agencies.

But so I think all of this is going to help us in terms of dealing with those issues that you described.

Ms. HERRERA BEUTLER. Thank you for that.

I yield back.

Mr. RYAN. The gentlelady from Connecticut, Ms. DeLauro.

INTELLIGENCE BUDGET REQUESTS

The CHAIR. Thank you very, very much.

And thank you for your testimony. And thank you for the great work that has been done since January 6 and the kind of rigor on the assessments of what we need and what we should be doing going forward, which was certainly so key to what we did in the supplemental, and now we move on.

You did a chat about intelligence, and there is an increased request for intelligence funding in this budget. What drives those requests? And what are the new standards for sharing intelligence, asset coordination internally, as well as outside partners, if you could just spend a moment on that?

Chief MANGER. So I think what is driving it, is two things. I mean, one, as we prepare for demonstrations, it is good to have the intelligence that you need to make the proper operational plan. The plans that we make should be intelligence driven. They weren't always, and now they are. Obviously, the threats that we are getting not only against Members of Congress but against the Capitol itself, that is an important part where we are focusing a lot of energy.

I am sorry. The second part of your question.

The CHAIR. How are you sharing that information?

Chief MANGER. Oh, sharing information.

The CHAIR. Because there was a very, very big problem—

Chief MANGER. Yes.

The CHAIR [continuing]. That we dealt with on January 6.

Chief MANGER. So and the—part of it, when we do the operational planning, we have an incident action plan. And in there we make sure that everybody who has got a leadership role, everybody who is in charge of whatever aspect of the plan, we make sure that they know everything about the plan, not just—they don't just know about their little sliver of the pie. They know everything that is going on.

We have also issued cellphones to every one of our officers. So now that information, the intelligence information is delivered every day to all of our personnel. So, if we get a report about, you know, someone who is, you know, they see an individual walking along Independence Avenue and it appears the individual has a gun, that information goes out in real time. It goes out to every one of our officers so that they are aware of this lookout.

So it is not only sharing the information with the folks that are doing the operational planning, but it is sharing it with everybody in the organization as well.

The CHAIR. And it is sharing with, you know, district police department.

Chief MANGER. That is why we have task force officers in seven different organizations, including Metropolitan Police and other law enforcement organizations that have an intel component. So, yes, we are there with them.

The CHAIR. That is great because you know that was a serious issue on January 6th.

Chief MANGER. Yes.

REALISTIC TRAINING

The CHAIR. A couple more questions.

The GAO report that has been referred to talked about Capitol police officers wanting more realistic training. And I guess it is a double-edged sword on that with, you know, providing that kind of training. What are we doing in terms of that realistic training in the complex, et cetera? And I guess that drives overtime. But tell me, you know, what we are trying to do to address that issue that—in my conversations, they talked about realistic training.

Chief MANGER. Yes. Two things. One, we are actually training with other agencies. So, when we ask for other agencies to come in and help us, we are actually training with them. So we are doing that.

In addition, we have now got, I think, four virtual training systems that we are going to have one at the Capitol, one in our academy, one at the Fairchild Building. And there is another one that I am sure somebody will whisper it in my ear.

So we have four of these machines that provide amazing training, and it is not just use-of-force training. It is de-escalation training. It is a host of things that you can do in a virtual atmosphere, which is much more realistic than just sitting in a classroom and hearing about it.

MEMBER SAFETY

The CHAIR. Okay. Thank you.

Just a final question, if I can.

We talked about the 10,000 threats more than double the number of threats in 2017.

What are we doing—and we hear this from Members all of the time on both sides of the aisle—to ensure Members' safety when they are not in the Capitol, where we do have now increased protection and support provided by the Capitol Police? Does your budget request account for needs related to the Member and staff security in the district?

Chief MANGER. Yes. We provide—and all you have to do is request it. You can request it through the Sergeant at Arms or just request it directly from us, and we will provide security recommendations. We can do a security assessment of your home offices, make recommendations. We will also coordinate with the local police and sheriff's departments in an individual's home office to ensure that they are aware of the needs. They can be aware of any threats or individuals that we are concerned about.

All that information can be shared with local law enforcement. But we can do—we will, in fact, do assessments of, whether it is a local office, whether it is someone's residence, we provide those services. And we will be able to do that even better with more capacity because there is more of a demand now for that kind of service. So this will assist us in making sure that we can achieve or meet the workload, meet the work demand that we have.

The CHAIR. Thank you.

And I know my time has run out, and I know something that the chair has been interested in, and this is Member security in their

residence. So I am hopeful that we can continue that conversation and look to see what—how we can deal with that issue as well. I know it is uppermost in the minds of the Members of Congress, their family, their security, their family's security.

So thank you so much.

And thank you, Mr. Chairman.

Mr. RYAN. Thank you, Ms. DeLauro.

The gentleman from Nevada, Mr. Amodei.

CAPITOL INFRASTRUCTURE

Mr. AMODEI. Thanks, Mr. Chairman.

And first of all—

Mr. RYAN. I didn't see you. I literally thought you were going to pop up on the screen. Sorry.

Mr. AMODEI. Well, I probably was until I found out we have all of this new square footage compared to the old days. This is kind of posh, and thank you for your leadership.

Mr. RYAN. We are moving on up. We are moving on up.

Mr. AMODEI. And, Chief, if I was—I was going to be kind of mean, I would use part of my time to ask the chairman if he could pronounce Gus' last name, but since I will just confess, I don't, so he is Gus P. We will skip from that.

I want to thank you for taking some time the other day to come by and talk about your stuff, and I am not a guy who believes that money is the answer to every issue. But, quite frankly, I think I have been here long enough to know that prior to the 6th, you know, we were kind of doing things the way we were and whatever. It is like it is obviously time for a change, and I think that that is going to require some resources. So thank you for the work you have done to basically on numerous fronts to kind of identify that and where we start and see how that goes. I appreciate that.

I also want to highlight for you that, since we are doing this and the precipitating factor was January 6, I would like to encourage you—and I know this isn't all your area. The Architect of the Capitol has a piece of it, and the Sergeant at Arms has a piece of it. But to—when you are looking at how we do a better job, especially on campus, although the thoughts about security for Members when they are off campus are pretty poignant, but especially on campus stuff, you know, it is, like, hey, there is some indication just in our routine stuff, it is, like, well, that is kind of always the way we did it.

And I am thinking specifically about how you come and go from the buildings that our offices are in as one of those areas that you and I have discussed to please take a leadership role with your other folks on the board and, you know, say, hey, while we are doing this and we are looking at technology and we are looking at are they staffed appropriately, do you need sworn officers to do that, or don't you—obviously, your workforce is an issue, but I have a ton of confidence in the Architect's ability, if there are different ways to do things, not to ruin the historical integrity of the facilities, this building, obviously, the Capitol, stuff like, that make that stuff blend. And I don't think that we have fully explored that.

So I am hoping that you can be a champion as one of the new guys ton block to revisit that both in terms of what an appro-

priately trained workforce needs to be in those areas, who you need in those areas, and, oh, by the way, where can we get some benefits for everybody involved with technology so that we avoid things which, I mean, we have been doing them for that way a long time.

Today is an example. People are coming back to the Capitol, and they are in the buildings. And when we talk about security and safety and I see large groups of people queued outside of buildings, I think for bad people, that can represent a target. And it puts your people in danger, and it puts everybody in danger.

And so not that it is—but I just sit there and go, you know, that has been going on for a long time. So it is my hope that, as the new chief law enforcement officer on campus, that you can take the opportunity of the reset on this to see if there is a way that we can do these better.

And I will give you one other thing on the record for your colleagues. I know someday we are going to build a visitor center in a parking lot somewhere. But, quite frankly, that is unpersuasive when we have so many needs that compete for resources and things like that.

So, in my mind, to your colleagues on the board, that is not much of an answer. And so—and maybe it is, whatever. But I would just encourage to you be a leader in that, and we will look forward to getting with you offline and working through any other issues and if we have any other questions.

And, with that, Mr. Chairman, I yield back.

Mr. RYAN. I thank the gentleman.

The distinguished gentlelady from Massachusetts, Ms. Clark.

RECRUITMENT

Ms. CLARK. Thank you, Mr. Chairman.

And, Chief Manger, thank you for joining us. And really I share in the gratitude my colleagues have expressed for the work of the Capitol Police, and I think your word was appropriate. The circumstances and challenges are relentless, and you meet them with hard work and dedication, and we could not function without you. So we are very, very grateful.

I was going to ask you about recruitment. I am delighted to hear that that is one problem you don't seem to be having. And I wonder if you are participating in any particular programs or associating with groups to help diversity within the hiring.

Chief MANGER. Yes. First of all, we have contracted with a search firm that is helping us recruit because I don't want to take any chances. I want to make sure that that is not the—doesn't become an issue for us.

But, more importantly, we have—we are very pleased to have hired a chief diversity officer that came on board about 2 or 3 weeks ago. Vilma Alejandro has already hit the ground running and is ensuring that we are—that our practice, our hiring practices, recruitment practices are exactly where they need to be. And so I am very pleased with the work that she has done already and have high hopes that she is going make a real impact for us.

Ms. CLARK. That is great. Thank you.

And I know we had talked previously about some of the new vetting and background programs that you were putting in place, and

I know some of this is under the Sergeant at Arms. Can you give me a little update on where we are in that process?

Chief MANGER. So I—now is that with regard to—

Ms. CLARK. For the officers.

Chief MANGER. Oh.

Ms. CLARK. I know we had talked about before making sure that our officers are safe and that there are background checks going into the Capitol Police you are looking to hire.

Chief MANGER. Yes. We have very high standards that we maintain, which is one of the reasons that we have to get so many people through the door to apply, because we are very selective.

One of things that we are doing differently than we did years ago was doing a deep dive in someone's social media because you can learn a lot about a person and if there are issues by looking at some of that information. We used to send people—

Ms. CLARK. I remind my children of this daily

Chief MANGER. Yes.

You know, we used to send people to—you knocked on the neighbor's door and said: Do you know, you know, this individual? They have applied to become a Capitol Police officer. What do you think?

And you would get the neighbors, you know, would say: Oh, yeah, seems like a nice kid or whatever.

But this, I think, is a better way to, in fact, do the vetting that we need to do to make sure that we have somebody who has the integrity, the character, and, frankly, the character traits that we are looking for that we believe makes a good police officer.

Ms. CLARK. Thank you.

SUPPORT SERVICES

What steps are you taking to either expand or build on the wrap-around support services that you put in place for officers after January 6?

Chief MANGER. I appreciate you asking that question because this is tremendously important.

Two goals that we have in mind. One is we want to focus on helping employees cope with just the daily stress of life, the daily stress of being a police officer. But we also want to provide services to our employees that have been through a crisis, been through a traumatic event, and provide that treatment and, you know, because they have been through a traumatic incident, to help build their resiliency. So those are the two things we are trying to accomplish.

We are doing it in a number of ways. One, we have contracted with the Center for Mind-Body Medicine and that—we have a number of folks going through that program now. And, in fact, I appreciate the FOP chairman, Gus Papathanasiou. He is going through it with a number of his shop stewards to really give us a good evaluation of the program, and so I appreciate that.

We also are standing up our own health and wellness center, and we have named that after Officer Howard Liebengood who we lost just after January 6. It is a center for wellness. It will include employee assistance, health, nutrition, fitness, trauma-informed care specialists, peer support, building resiliency and work-life balance,

the support dog program—that is probably the most popular thing is the support dog—three fitness centers, a chaplain program.

So the Liebengood Center, we are working closely with Howie's wife in terms of the opening. We are in the process of hiring a director for that center, and Mrs. Liebengood would like us to get that person on board before we make the formal opening. We actually are already producing services. We just haven't done the formal opening of the Liebengood Center. That should be coming very soon, but we want to get the director on board for that.

Ms. CLARK. That is wonderful.

Thank you very much.

I yield back, Mr. Chairman.

Mr. RYAN. Thank you, Ms. Clark.

The distinguished gentleman from Hawaii, Mr. Case.

RECRUITMENT AND RETENTION

Mr. CASE. Thank you, Mr. Chair.

Chief, I wanted to follow up on the chair's questions along the lines of recruitment and retention, because I think the basic question is whether you are getting to where you need to be on your staffing and whether you have the funding in this budget or others to get there.

And I don't want to—I don't want the—I don't want there to be an artificial limitation on your request along those lines. I just want to understand exactly what the situation is so we can determine, you know, whether the funding is adequate.

So you said earlier—I just made a couple of comments. You said earlier you need about 1,849 officers.

Chief MANGER. That is what we have now.

Mr. CASE. Oh, I am sorry.

Chief MANGER. Yes.

Mr. CASE. Okay. I am sorry. 1,849 now, 300 short of where you think you need to be. And where you think you need to be is based on all of the reports, all of the, you know, post-January 6 analysis; you think you need to be 300 more than what you have today.

Chief MANGER. That is correct.

Mr. CASE. Okay. And you said you have 130 officers in the pipeline, which obviously means you have a number of officers that are not in the pipeline.

And, you know, you, although you feel comfortable on the recruitment side of things, that obviously depends on your attrition rate as well. And, you know, you said your attrition was lower than it was or than what you expected. But what actually is it? And the question I am asking is: How is this pipeline working? How fast is it going? Is the pipeline producing an increase in officers or a reduction and on what timeframe?

Chief MANGER. That is a good question. The—our typical attrition—and I am not—let's remove the year January 6 and the following year because it was double what it normally was. Normally 75 to 80 people will leave the department each year either because they are retiring, because they resign, you know. A couple get fired. But around—between 75 and 80 a year will leave.

So what we are trying to do is to increase the number of folks that we are hiring more than what we used to in a typical year. Again,

in a typical year, we hired 120 people or so. Now we are looking to hire well over 200 people. We could get as high as 280 but certainly over 200 people a year. This gets us ahead of attrition.

And I think our attrition is going to go—start going back to normal because of the things that were in the supplemental, the hazard pay, the specialty pay, the retention bonus. Those are things that I think are keeping officers here.

So I believe at this point we are, in fact, getting ahead of attrition. But we have got a ways to go before we get up to where we need to be.

Mr. CASE. Okay. So I am just breaking that down. So you are losing in a normal year, you said, about 70.

Chief MANGER. 75 to 80, yes.

Mr. CASE. Is that—are you ahead of that? Behind that? Where are you right now this last year just to take a snapshot?

Chief MANGER. Well, if you take the past—see, last year, the year from January 6, 2001, to January 6, 2022—I am sorry—2021 to 2022, we lost 140, 150 people.

Mr. CASE. Okay.

Chief MANGER. So that was not a normal year.

Mr. CASE. All right.

Chief MANGER. This year I believe we are beginning to get ahead of attrition. And I think that, unless—I mean, my hope is that, with everything we put into place, with everything we have been able to put through into place because of the decisions by this subcommittee, we will be able to get ahead of attrition. I think we have slowed it down back to normal, and we have increased the hiring. So that—

Mr. CASE. Are you ahead of attrition today or—

Chief CASE. Today, yes.

Mr. CASE [continuing]. Hope to get ahead of it?

Chief MANGER. No, I believe we are. Right, today, if I look at, you know, beginning of this fiscal year, we are—we are ahead of attrition.

Mr. CASE. Okay. I guess then the question is: How far ahead are you, and how fast then—what is that rate? And how quickly does that get you to full complement of officers? And do you have the resources you need to successfully compete on both the recruitment and the retention side? Even though you are better on both recruitment and retention, is that enough?

Because if I am looking at that time budget numbers, I mean, basically you are asking for a 17.5-percent increase over fiscal year 2022. Right? So that is pretty recent, and we plussed up there. But of that 17 percent, the rate at salaries and benefits is 11 percent. So you are allocating more of that increase to nonsalaries and benefits, which may well be what we need to do.

But then I question, well, are we doing enough on the salaries and benefit side to get to your—to get to your full complement? And if you look at it over 2 years, you see it about 23 percent, fiscal year 2021, actual to your proposed increase for salaries and benefits; 40 percent overall. So the trend on both sides is that the increases are going more to nonsalaries and benefits than the salaries and benefits.

And to the ranking member's question, you know, you recommended a phased opening because of shortages in the force. And so I just—it is an open question in my mind, like, are we doing enough to get you to a full complement fast enough to achieve everything we want?

Chief MANGER. I am trying to keep—you have four questions you asked me. We are getting ahead. I said we are ahead of attrition. We are getting ahead of attrition this year. It is still early. We have put more people in the pipeline than we have lost. So that is where I base my decision we are getting ahead of attrition.

One of the problems that caused the folks to leave here is the fact that we were burning our officers out. We didn't have enough cops, and we are holding them over constantly, canceling days off, making them—forcing them to work overtime. I have been a cop 43 years. Cops like overtime, but they also like to know they are going to have a day off once in a while, like, to spend time with their families. And we were burning them out because we were so short, and the demands had increased so exponentially.

So, when you see that not—the, you know, much of our percentage of increase is not related to salaries and benefits and that sort of thing, it is because we have to get more people. That is the only way I am going to solve—one of the big ways I am going to solve the attrition problem because cops here think: Look, we didn't have enough people. When things go bad, all it means is I don't get a day off, I have to work over. I have to work double shifts.

Again, they like that to a certain level, but then it gets to point where they are burnt out. And so we have to get more people so we can manage that—manage the overtime and make sure we have enough people when we have a big event that they feel confident, okay, we have enough people and the event is going to go okay. I am trying to work on both things at the same time.

Do I think we are—it is going to take us a couple of years. It could—I hope it is just a couple of years to get us where we need to be because it takes so long to hire—to recruit, hire, and train somebody to the point where you can actually send them out on their own. A training process is better part of a year. So all this takes a while. That is why we are doing all these things simultaneously.

Mr. CASE. Thank you very much.

Mr. RYAN. Thank you, Mr. Case.

The gentlelady from Virginia, Ms. Wexton.

Ms. WEXTON. Thank you, Mr. Chairman and Ranking Member, and thank you, Chief Manger, for joining us here today. It is great to see you. I grew up in the DC/Metro area, so I feel like I have seen you on my TV for like 20, 30 years now. Good to have you here on the Capitol Police.

Chief MANGER. Thank you for saying I didn't speak to your kindergarten class because I have had that happen before too. But thank you.

LINE OF DUTY DEATH DESIGNATION

Ms. WEXTON. I appreciate your coming out of retirement to help us here. I think that you are doing a great job at setting the de-

partment up for the next level, you know, of what we are facing in today's world. So I want to thank you for that.

I also want to thank you for talking about Howie Liebengood, who was my constituent, and about the center that is opening. I am overjoyed that those resources were included in the security supplemental, that you guys are taking it seriously and really working to make that happen.

But you probably saw in the news that the D.C. Police and Firefighters Retirement and Relief Board declared Jeffrey Smith's death to be a line-of-duty death. You did see that, correct?

Chief MANGER. Yes.

Ms. WEXTON. It is my understanding that Serena Liebengood and his family are seeking a line-of-duty death designation with DOJ for Howie. Is that correct?

Chief MANGER. Yes, it is. In fact, we helped her with the paperwork.

Ms. WEXTON. Okay. Very good.

And has the Capitol Police taken a position on what DOJ should do with that?

Chief MANGER. Not yet.

Ms. WEXTON. Do you anticipate that you will?

Chief MANGER. When the time comes that it is appropriate to do so, we will.

Ms. WEXTON. Okay. Thank you.

I am not going to put you on the spot and ask you what that position will be, but I certainly hope that you guys do the right thing for the Liebengood family because for them it is not about money, it is not about stuff; it is about the acknowledgment that Howie would still be with us were he not defending the Capitol on January 6th. So, hopefully, you will do the right thing.

TRAINING

Now, following up on Mr. Case's questions about training and about making sure we have the officers in the pipeline.

You had told me in our phone conversation that—I think you said that there are 13 classes at FLETC right now, or is that—

Chief MANGER. Not right now. We will have 13 classes throughout this fiscal year, yes.

Ms. WEXTON. That is an awful lot to be graduating from FLETC.

Do you anticipate that they can keep up that pace of training classes like until we get to where we need to be?

Chief MANGER. Yes. Our training folks have ensured that they—we have the seats available that we need.

Ms. WEXTON. Okay. Very good.

LIEBENGGOOD CENTER

Back to the Howie Liebengood Center. Do you have any—believe me, I have represented a jurisdiction that is going to be getting phase 2 of the Silver Line of Metro here for long enough time that I know that people don't like to give me dates that things are going to open, but do you have some anticipation of when the center, the bricks-and-mortar center will open?

Chief MANGER. Yeah. Soon. I mean, it is there. Actually, the offices are—the suite of offices that will be the center are operating

already. We just—talking to Mrs. Liebengood, she would like—we are working with her, and her wish—I hope I am speaking—saying this accurately, but she wants it to be—when we do the ribbon cutting, she wants everything to be in place, including the director. And we are in the process of hiring one now. My hope is that we are talking about weeks and not months. So it is soon I hope.

Ms. WEXTON. Very good.

Chief MANGER. That is our intention.

Ms. WEXTON. Thank you. Thank you.

OFFICER SUPPORT RESOURCES

And what is being done to inform the Police Department to inform the officers about what resources are available and encourage them to take advantage of them?

Chief MANGER. So here are 39 bulletins that we put out electronically and we post for our officers. All 39 of these bulletins over the past year have to do with wellness, health and wellness initiatives that the department is making available to our officers. So 39 bulletins that we put out over the past year, making sure folks know what we have available.

Ms. WEXTON. Very good. And encouraging them to partake of these services as well?

Chief MANGER. Yes, ma'am.

Ms. WEXTON. Very good.

CROWD CONTROL

Now, a couple of the members here asked about the trainings that you have and the fact that this GAO report indicated that a lot of officers didn't feel like they were particularly well-trained in certain areas, in particular with regard to crowd control, I guess.

And it is my understanding, you had said that you—you guys had enhanced the training for crowd control. But that was mainly concentrated in the Civil Disturbance—

Chief MANGER [continuing]. Correct.

Ms. WEXTON. What steps are being taken to ensure other officers are getting the training they need for crowd control?

Chief MANGER. So everyone gets what we call crowd management training, and that—you know, the Civil Disturbance folks get, you know, when folks are crossing the line in terms of their demonstration activity, you know, has—where they have crossed the line, that they are doing something against the law. But crowd management training is being given to all of our officers.

Ms. WEXTON. Are you able to use that immersive artificial intelligence, you know, system that you have in order to give that crowd control training?

Chief MANGER. Yeah. I mean, this is a very—this has great capability. So, yes, I think that—being able to—because you stand in front of a screen where you are talking to different people, and depending on what happens, your response, they can change the scenario or change a response to the person you are dealing with. So it is very realistic training, and you can do it in dozens and dozens of settings.

Ms. WEXTON. Thank you.

I see my time has expired, so I yield back.

Mr. RYAN. Thank you, Ms. Wexton.

Next in batting cleanup for the committee is the distinguished gentleman from New York, Mr. Espaillat.

Mr. ESPAILLAT. I thought I was closer. But okay.

Thank you, Chief. Thank you for your efforts to make us safe right now.

Many experts have asserted that a potential second attack, God forbid, against the Capitol will be different than the first one, just like an angry, racist mob. In fact, the April 2nd attack that led to the death of Officer William Evans was a different one, and we sort of like couldn't prevent that from happening.

And I see that, given what is happening in Ukraine and the fear of cyber attacks against our country, I see that you have included in your budget of \$5 million to address threats and expand cyber security capabilities of your department.

How safe are we in that department, if you may, from cyber attacks, and what does the \$5 million do? That is the first question.

The second question is that the K-9 unit has been increased or has been included in the budget or would cost over \$2.5 million to expand the capability, and we know two of our—both the DNC and RNC were in clear danger as pipe bombs were placed near just like a block away from here.

How much does that increase sweeps, and what does that mean in terms of security?

K-9/CYBER ENHANCEMENTS

Chief MANGER. So, I will answer the K-9 question first. We have increased a number of sweeps that we do daily. In fact, multiple times a day that we are doing sweeps, and we have increased the locations where we do them.

Mr. ESPAILLAT. By how much?

Chief MANGER. I will have to get back to you with that, but I know it is significantly. And one of the things we want to do is be able to sustain that and be able to do all the locations. You know, we can't just focus on the Capitol without focusing on the office buildings as well, and we have the Library of Congress and the Botanic Garden. So we want to make sure we are giving everybody good service in terms of the multiple sweeps a day.

With regard to the cyber, how safe are we, I will tell you that if—I get briefings from the FBI fairly regularly, and it is one of the biggest concerns that the FBI has is cyber attacks, and that has increased in the past month.

I always feel like we are staying one step ahead of the bad guy. And occasionally the bad guy, you know, does something that we didn't anticipate. So much of the effort is focused on ensuring education for everybody that works in this complex to be able to identify an attack. And then also a fair amount of technology is being put—used to prevent attacks that we know about, or that we have seen around the world. So that is basically where we are focusing our efforts.

Mr. ESPAILLAT. And how could you work, or is it necessary for Capitol Police to work with our staff, with our teams, to ensure that we are—that my database is untouched and protected?

Chief MANGER. That is a team effort between the Sergeant at Arms' offices and the Capitol Police. But, again, we get—the real experts—and I guess the best information we get typically is from Homeland Security and the FBI. But what we need to do is make sure that we—especially if there is specific information that people could take precautions or be aware of specific attacks, we have to make sure that we get that out to all of the employees, the staff, everybody on the campus.

Mr. ESPAILLAT. Mr. Chairman, before my time is up, I just want to share with you, I still have this gut feeling, eerie feeling, when I walk out of the Capitol, when I walk down the steps of the Capitol after voting that we are just still wide open and susceptible to an attack. Yes.

Chief MANGER. Can I react, if I might? Because you are not alone in that sense. I think it will take some time, but one of the things that we would like to do, the Capitol Police want to do, is restore that sense of safety that people had on this campus. Look, you know, you could have a lone actor do something anytime, anywhere in our country, but for many, many years, this was—people did have a better sense of safety on this campus than they have today. And it will take some time, but my intention is to restore that sense of safety that people have.

Mr. ESPAILLAT. I just mean that because when I am walking around the campus, I see runners coming through. I see people walking through. Like, they just get right in. I just think we are wide open.

Thank you, Mr. Chairman.

CLOSING REMARKS OF CHAIRMAN RYAN

Mr. RYAN. Thank you, Mr. Espailat.

Chief, thank you. A lot of kudos to the men and women who served here on January 6, and I just wanted to note that there will be a plaque hanging in the west front of the U.S. Capitol honoring the officers and the agencies that were there that day protecting us.

And Ms. Herrera Beutler was a big part of making that happen, and it was a bipartisan effort. But I think it is important that we honor the people who were there that day showing a tremendous amount of courage.

And I just want to say I am really proud of the committee here because you saw the scope and the depth of questioning on all of these issues that are just critically important. And we want you to know that you and your relationship with Gus and the union is really important, and your relationship with us is very important as the appropriators. And we recognize the significant lift here to try to get us where we need to be. I think when you are talking about training and getting officers on-boarded, it is like, yeah, there is no magic wand here that we could just wave, and all of a sudden, there is 300 new officers. This is clearly a process.

And we want you to know that we are partners with you on this. We appreciate your leadership. These are very difficult times, and we have to be united as we move forward to try to do this. You know, the American people want to get back here. The schools want to get back here. The tours want to get back here. And I

think, given everything going on in the world, I think we have to do everything we can to make sure people can come and be reminded of how important America is and how important this Capitol is.

We can't thank you enough. I appreciate your focus, as you know, on the wellness piece, and I am really glad to see this is moving forward in such a significant way. You know, the trauma, just life in general, let alone you are a cop and let alone you are cop in the U.S. Capitol and a cop that had to kind of work through January 6.

So we want to make sure that part of the retention is that, you know, we care about how people feel and the traumas they are dealing with. So I appreciate you giving that some effort.

We do want to, I think, at some point connect you with House Wellness Program, and Bryan Weiss is doing a great job and we have been standing that up through this committee the last few years. And basically it is—and I think you are moving in that direction too. It is almost like a buffet of services, from financial to nutrition to diet to the different practices and techniques that people can use to really deal with the trauma and just kind of—you know, life is crazy now for everybody. So we appreciate you doing that, and that is of significant interest to this committee. We appreciate everything that you are doing. Please say thanks to your team, that we appreciate it. And we are going to look very closely—I am sorry.

I yield an unlimited amount of time to my partner here.

RANKING MEMBER REMARKS

Ms. HERRERA BEUTLER. I am sorry. I agree with so much of what the chairman said. And I just want to echo and ditto those statements, except I can't say Gus' last name.

I did want to mention on the plaque, it is a very small thing. But my hope is that, years and years from now, when tours come through this Capitol, that that will be a stop on those tours. And what the children of tomorrow are told was that was one of many dark days in our Nation's history, and we overcame, and here are the men and women who made sure those people failed.

I know we are years from that, but that is something I believe will happen, and I am very excited that the names of the officers are on there because they really did, I think—we will never know fully their sacrifice and those around the Capitol as well, but that is more to me a symbol of the failure of those who are against democracy.

So thank you for that.

Chief MANGER. Thank you, all, for—I appreciate your kind words, and I will pass them along to my officers.

Mr. RYAN. Great. Thank you. Appreciate it.

Until next time, hearing is adjourned.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE TIM RYAN

J. Thomas Manger, Chief

U.S. Capitol Police

Committee on Appropriations

Subcommittee on Legislative Branch

United States Capitol Police Fiscal Year 2023 Budget Request

March 30, 2022

Subject

Background: The Interagency Security Committee has a robust set of standards for agencies to use to help ensure federal buildings are secure. Yet, GAO found in February 2022 that the Capitol Police had been informally applying only some of these standards for the past 5 to 7 years.

Question:

1. What actions is the Capitol Police taking to formally apply these standards in its risk management process?
2. Why has the use of these standards to assess and address security been so delayed?

Answer:

The USCP is committed to establishing an action plan to address the recommendations of GAO Report # GAO-22-10500, and to improve the effectiveness of the organization's facility security assessment program. The GAO report specifically pointed out that the USCP has been only informally applying parts of the Interagency Security Committee (ISC) Risk Management Process to its security surveys and assessments. In 2021, the USCP initiated the hiring process for a new Associate Director for the Security Services Bureau, specifically for the purpose of formalizing the Department's Risk Management Process to assess the overall security of Legislative Branch facilities and make appropriate recommendations for countermeasures. A candidate was selected and came on board in February of this year. Additionally, in the Fall of 2021, the USCP provided Risk Management Process training through the ISC to several members of the Department and in December, 2021, opened this training up to partners from the House and Senate Sergeants and Arms and the Architect of the Capitol. The USCP has begun the

task of formalizing its Risk Management Process using the ISC standard as its basis and plans to implement it into its assessment products as early as this year. Concurrently, the USCP is partnering with the Architect of the Capitol on the Physical Security Assessment awarded to the U.S. Army Corps of Engineers (USACE) in 2021. The USACE Physical Security Assessment will produce security recommendations for Legislative Branch facilities and once adopted these recommendations will be incorporated into future USCP assessments which will be completed on an agreed to schedule based on ISC standards.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE Jaime Herrera Beutler
J. Thomas Manger, Chief
U.S. Capitol Police
 Committee on Appropriations
 Subcommittee on Legislative Branch
United States Capitol Police Fiscal Year 2023 Budget Request
 March 30, 2022

Data Centers

Background: USCP relies on its data and information to accomplish its core mission. In the final FY22 appropriations act, Congress directed that USCP evaluate its data storage and provide the Committees with a plan, schedule and cost estimate within 90 days. That direction is extremely important to this subcommittee—in fact, it was directed to all legislative branch agencies.

Question:

- Has USCP started this review?
- Is there intention to make sure that USCP's data is secured in a Tier-III-performing facility outside the National Capital Region (NCR) this fiscal year.
- If not, why?

Answer:

The USCP is studying the costs and technical impacts to improve network data storage, data security, and data accessibility, and the equipment and systems upon which these rely. This includes an assessment of the current data center improvements and alternative solutions to further ensure a robust, secure, and resilient infrastructure for the Department's IT systems and data. Further, the USCP is reviewing opportunities to utilize computing and cloud facilities designed for concurrent maintainability (equivalent to ANSI/TIA-942-A, or Uptime Institute Tier III standards and industry best practices) in the near-term.

The USCP's existing non-cloud services and systems are not configured for the use of cloud accessible storage outside of the NCR. Accordingly, the Department is currently defining the

scope, requirements, and costs to modify and/or replace these systems and will develop an investment strategy to secure any necessary resources to achieve this recommendation. Additionally, a more comprehensive strategy will be developed to utilize computing and cloud facilities designed for concurrent maintainability. This includes feasibility, requirements, costs, and associated plans to meet the overarching recommendation to move all data center services outside of the NCR.

TUESDAY, APRIL 5, 2022.

GOVERNMENT ACCOUNTABILITY OFFICE

WITNESSES

**THE HON. GENE L. DODARO, COMPTROLLER GENERAL OF THE U.S.,
GOVERNMENT ACCOUNTABILITY OFFICE ORICE WILLIAMS BROWN,
CHIEF OPERATING OFFICER, GOVERNMENT ACCOUNTABILITY OF-
FICE**

OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. The committee will come to order. This hearing is fully virtual, so we need to address a few of the housekeeping matters. Members are responsible for muting and unmuting themselves. For the purposes of eliminating inadvertent background noise, the chair or staff designated by the chair may mute participants' microphones when they are not under recognition. If I notice when you are recognized that you have not unmuted yourself, I will ask if you would like the staff to unmute you. If you indicate approval by nodding, staff will unmute your microphone.

We will begin with the chair and ranking member. Then members present at the time the hearing is called to order will be recognized in order of seniority.

We are using the 5-minute clock, which you will notice on your screen. It will show how much time is remaining. If there is a technology issue, we will move to the next member until the issue is resolved. And if you wish to add any extraneous or additional material to the record. Per House rules, we have set up an email address where members can send anything they wish to submit for the record after seeking recognition for its inclusion. That email address has been provided in advance to your staff.

I would like to welcome the Comptroller General of the Government Accountability Office, Mr. Gene Dodaro, to present the GAO's fiscal year 2023 budget request.

Mr. Dodaro, we welcome you back to our subcommittee. The subcommittee has great admiration for you personally and GAO's work in ferreting out misconduct and finding ways to save billions of dollars with public, fact-based, nonpartisan recommendations to improve Federal agency operations and save taxpayers billions of dollars.

The GAO has been a tremendous resource to Congress, especially this past year in researching and providing recommendations after the attack on January 6. The GAO has worked hard to respond to inquiries, conduct oversight, and provide valuable recommendations to the United States Capitol Police, Architect of the Capitol, and others in response to the attacks.

GAO published numerous flash reports providing invaluable insight toward reform and security upgrades. We want to thank you

and your team for GAO's recommendations and technical assistance to the committee on ways that the Congress can strengthen and reassert its power of the purse over appropriations.

The GAO's proposals to reinforce Congress' constitutional power of the purse, GAO recommended requiring the Office of Management and Budget to publicly post all apportionments of executive branch appropriations as a way to improve congressional oversight and facilitate GAO providing more timely advice and legal decisions to Congress.

We strongly believe in these goals, and we are pleased to report that the Fiscal Year 2022 Consolidated Appropriations Act enacted a new requirement for OMB to make apportionments of appropriations publicly available, consistent with GAO's recommendation. We look forward to OMB's timely implementation of this provision.

This year, GAO is requesting an increase of \$91 million in appropriated funds over what was provided in fiscal year 2022, as well as 3,500 full-time equivalents, or FTEs, in fiscal year 2023. Included in this increase is \$25 million in no-year funds to meet the congressional directives and report requests of the Infrastructure Investment and Jobs Act. We look forward to hearing your testimony today and justification for these significant increases.

At this point, I would like to yield to my colleague and friend, Ms. Herrera Beutler, our ranking member, for any opening statements that she would like to make.

OPENING STATEMENT OF RANKING MEMBER HERRERA BEUTLER

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

And, Mr. Dodaro, I have only had like four cups of coffee today already—welcome back. It is very good to see you.

The Government Accountability Office supports Congress in meeting our constitutional responsibility by ensuring that the money that we appropriate is spent for the purpose it was prescribed. And, interestingly, we have seen challenges to that in the last number, at least since my time in Congress, so your work is doubly important. And, honestly, this benefits American people by improving the performance of their funds and the accountability to the Federal Government.

With products such as 1,602 new recommendations, 578 reports, and over 60 congressional testimonies last year alone, your agency is meeting its strategic objective in providing quality, timely service to Congress, and another important tool that GAO is constructing is a framework for managing improper payments. And most individuals or families or businesses who hear that would probably be like, wait, what, that is not already in place? Well, thank you to GAO we are moving in that direction.

And, for fiscal 2021, the Office of Management and budget reported that the Federal agencies had estimated about \$281 billion in improper payments. The economic instability and increased flow of Federal funds associated with COVID-19—and this is a significant increased flow of funds, at a very—in a very clipped pace—have greatly increased the opportunities for fraud, making that framework for managing improper payments really essential to our Nation's financial management.

It is also really great to see a wide range of work being done by the new Science, Technology Assessment, and Analytics Unit, from the framework for oversight of artificial intelligence, questions for policymakers to consider regarding long COVID, and identifying opportunities and challenges to counter drone technology. So this unit will provide Congress valuable insights into emerging technologies and policy recommendations to harness the benefits and mitigate some of the risks with those emerging technologies.

Your fiscal 2023 budget request continues to build staff capacity and audit resources, modernize IT systems, and address building infrastructure deficiencies. I look forward to hearing how these resources will further improve GAO's work.

And, with that, thank you, Mr. Chairman. I yield back.

CHAIRMAN OUTLINES PROCEEDINGS

Mr. RYAN. Thank you, Ms. Herrera Beutler.

I don't believe that Ms. DeLauro is here or Ms. Granger.

So, without objection, your written testimony will be made part of the record. Mr. Dodaro, please summarize your statement for the members of the committee. Once you have finished your statement, we will move to the question-and-answer period. So the floor is yours, sir.

TESTIMONY OF GENE L. DODARO

Mr. DODARO. Thank you very much, Mr. Chairman, Ranking Member Herrera Beutler, members of the committee. I am very pleased to be here today to talk about GAO's work and our budget request.

First, I want to thank the committee very much for the support that you have given us over the past few years. And I believe we have returned a great investment on the support that you have given us. Over the last 5 years, we have returned \$158 for every dollar invested in GAO in financial benefits to the government. There have been over 1,200 other benefits and each year in terms of improvements in public safety greater efficiency and effectiveness of agency operations as a result of implementation of our recommendations as well.

Now, in addition to our normal work, which supports about 90 percent of the standing committees of the Congress, we have been given a few special assignments. First was to track and report on a realtime basis over \$4.5 trillion spent for the coronavirus relief assistance. We have issued nine governmentwide reports talking about the status of that work. We have issued over 135 individual reports. We have made 277 recommendations for midcourse corrections, both in the public health area as well as increasing transparency and accountability over the funds.

Just last month, I testified before the Senate outlining 10 specific legislative improvements that Congress could make that deal with a pervasive and growing improper payments problem and the lack of prevention of fraud in the first place.

In addition, we updated our high-risk list for the Congress, which we do at the beginning of each new Congress. Two areas that I want to highlight because they are very important to the well-being

of the American people. One is the need for greater Federal leadership and a national strategy to deal with drug misuse. This is particularly important in light of the growing number of overdose deaths, which have reached historic levels, and we outline a number of ways that that could be done.

We also highlighted and added HHS' leadership and coordination for public health emergencies, not just infectious diseases but natural disasters and other areas. There is a need for more clarity in roles and responsibilities, better and consistent communication with the public, and better transparency and oversight over that work.

Also, our work on identifying overlap duplication and fragmentation in the Federal Government has now resulted in over 1,200 recommendations, half of which have been implemented by the Congress. So far that has saved \$515 billion to the Federal Government as a result of implementation of our recommendations in that area.

Now, we are seeking funds for five areas: One is to increase our work in the science and technology area. We have greatly increased the number of technology assessments. Ranking Member Herrera Beutler mentioned the work we are doing in artificial intelligence. We have also done Blockchain, 5G, and a number of other areas that I could talk about in the Q&A.

Also, we are getting more requests not only from committees but individual Member offices. So I want to increase the number of staff we have in that area to not only provide more technology assessments but also to provide more technical assistance to the Members throughout the Congress.

A second area is cybersecurity, which is an area I have long been concerned about. I designated it a high-risk area across the government in 1997. We added critical infrastructure protection in 2003. We have beefed up that area.

The Federal Government, in my opinion, is still not acting at a pace commensurate with the evolving great threat to our national security. So I would like to beef up, again, our cybersecurity work. We are getting inundated with requests from the Congress, particularly now that the concern has been growing, which it should have been, in the critical infrastructure protection area and other areas like defense weapons systems. This is not just information systems; it is the functioning of all the Federal Government's operations.

The third area is national defense. Obviously, the situation in Ukraine and other developments around the world means that we will be getting increased requests from the Congress. There is also a lot of concern about competition from Russia and China. We are doing a lot of work in hypersonic weapons, artificial intelligence and, military readiness. I think with additional investments in defense the number of requests that we will receive will continue to increase in that area.

Fourth is healthcare. Healthcare is the fastest growing portion of the Federal Government's budget. Half of the improper payments that Ms. Herrera Beutler mentioned are in Medicare and Medicaid. Medicaid alone had over \$98 billion in improper payments last year, and Medicare over \$45 billion.

And those are not complete estimates, in my judgment. The managed care portion of Medicaid is not being really evaluated for improper payments. That is about half of the Medicaid program. So this problem is a lot bigger. But, also, we have been doing a lot more work in behavioral health issues, mental health issues that have been a growing problem. They were exacerbated during the pandemic.

And then the fifth area, as the chairman mentioned, is infrastructure investments. The Congress has made a huge investment in that area. The Infrastructure Act gave us about 35 individual mandates for us to do specific studies. The Consolidated Appropriation Act, which just passed, adds seven more mandates. Our discussions with the committees indicate that we will be getting a lot more requests even over and above those mandates, so we could use a little extra help in that area.

Our budget submission would also help us improve our infrastructure operations and the environment in GAO. Also our information technology program, not only to improve our own computer security but also to continue to make our operations more efficient and effective and getting more digital products to the Congress in a faster pace.

Lastly, I would just close by publicly thanking the dedicated, talented people that we have at the GAO. We are one of the best workforces for audit organizations in the world. I am very pleased that we were also rated number one in best places to work this past year by the partnership for public service among midsize agencies in the Federal Government. So I am very proud of our record at GAO.

I am happy to respond to questions today, appreciate the opportunity. I know that you will take our requests carefully under deliberation, so thank you very much.

[The information follows:]



United States Government Accountability Office

Testimony

Before the Subcommittee on Legislative
Branch, Committee on Appropriations,
House of Representatives

For Release on Delivery
Expected at 10:00 a.m. ET
Tuesday, April 5, 2022

FISCAL YEAR 2023 BUDGET REQUEST

U.S. Government Accountability Office

Statement of Gene L. Dodaro
Comptroller General of the United States

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee,

I greatly appreciate the subcommittee's support of GAO's efforts to serve the Congress and improve the federal government's performance, accountability, and transparency. Since 2002, GAO's work has resulted in about \$1.26 trillion in financial benefits. Our work has helped change laws, improve public safety and other services, and promote better management throughout the government. Our average return on investment for the past five years is \$158 to \$1. We have also identified on average over 1,300 program and operational benefits that produced a more effective and efficient government each year during the same time period.

GAO's FY 2023 budget request will continue to advance our efforts in serving the Congress. This request, if honored, would enable us to expand the capabilities of our workforce, transform our information technology tools and cybersecurity, and improve how we deliver results for the Congress.

Fiscal Year 2023 Request

GAO requests \$810.3 million for FY 2023, an increase of \$91.1 million (12.7 percent) over the enacted FY 2022 level. GAO also requests the use of \$61.0 million in offsets and supplemental appropriations. With this budget request, we are planning to achieve and maintain 3,500 full-time equivalents (FTEs) in FY 2023.

The request for \$810.3 in appropriated funds includes \$25 million in no-year funds to help meet the congressional directives and requests for oversight of federal infrastructure spending included in the Infrastructure Investment and Jobs Act. The Act requires more than 30 studies. In addition, the Consolidated Appropriations for 2022 (and Joint Explanatory Statements) included 29 GAO studies, with seven of these studies focused on infrastructure-related issues. Congressional committees have indicated an interest in additional GAO oversight of federal infrastructure spending, above and beyond the required studies.

The table below provides a summary by program for the FY 2023 request.

Table 1: FY 2021 – 2023 Summary of Resources by Program (dollars in thousands)

Program	Fiscal Year 2021 Actual		Fiscal Year 2022 Enacted		Fiscal Year 2023 Request		Net Change Fiscal Year 2022 / 2023	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Human capital	3,209	\$580,017	3,400	\$631,630	3,500	\$681,270	100	\$49,640
Engagement support		3,860		12,764		14,765		2,001
Infrastructure operations		128,288		141,975		148,205		6,230
Center for Audit Excellence		1,252		2,100		2,100		0
Total budget authority	3,209	\$713,417	3,400	\$786,469	3,500	\$846,340	100	\$57,871
Offsets		(\$52,278)		(\$69,239)		(\$61,021)		\$8,218
Direct Appropriation		\$661,139		\$719,230		\$785,319		\$66,089
Infrastructure & Jobs Act Oversight		N/A		N/A	a	\$25,000	a	\$25,000
Total Appropriations		\$661,139	3,400	\$719,230	3,500	\$810,319	100	\$91,089

*GAO's request includes \$25 million in no-year funds to help meet the congressional directives and oversight of federal infrastructure spending included in the Infrastructure Investment and Jobs Act. The \$25 million will support 125 FTE over a five-year period (25 FTE a year).

Source: GAO-22-900396

Overall, the FY 2023 budget request will enable GAO to continue to increase our capabilities to review the opportunities and challenges associated with rapidly evolving science and technology issues; complex and growing cyber security developments; increasingly complex national security issues and the re-emergence of long-term, strategic competition among nations; and rising health care costs, among other issues. Specifically,

- **Science and Technology.** Since 2019, GAO's Science, Technology Assessment, and Analytics (STAA) team has enhanced our ability to support the Congress on science and technology issues. We have provided insight and foresight on new and emerging technologies and supported evidence-based policymaking through data analytics. In addition, we have developed policy options that may enhance the benefits and mitigate the challenges of technologies. We have provided rapid consultation on science and technology issues. GAO's Innovation Lab, housed within STAA, has continued to develop solutions that forge the leading-edge practices of tomorrow for the oversight community of the future.

For example, in 2021, we issued seven short-form explainers, called "Science & Tech Spotlights." The Spotlights have examined a broad range of topics including chemical weapons forensics, advanced plastic recycling, and genomic sequencing of infectious pathogens.

We also issued several technology assessments that examined topics like the accuracy of forensic algorithms, quantum computing and communications, block chain, vaccine development, defense navigation capabilities and the use of artificial intelligence to augment patient health care. In addition, we issued a framework for oversight of artificial intelligence (AI) to help managers ensure accountability and responsible use of AI in government programs and processes. Looking forward, we have ongoing or planned technology assessments on regenerative medicine, precision agriculture, carbon management, and autonomous vehicles

Our goals are to increase the number of technology assessments that we conduct each year and increase the number of short-to-medium turnaround products. We also are working to improve access to and absorption of our work through a variety of digital publishing tools and expand technical assistance to committees and individual member offices. Finally, we plan to continue to pilot and deploy multiple advanced analytics prototypes to enhance congressional oversight and support.

- **Cybersecurity.** GAO will continue to expand its expertise and ability to assess the cybersecurity challenges facing the nation. With this expanded capacity, we will assess federal efforts to establish and implement a national cyber strategy, enhance the agencies' response to cyber incidents, and improve cyber threat information sharing with critical infrastructure owners and operations. We will also assess the government's efforts to address cybersecurity risks and challenges facing specific critical infrastructure sectors. Finally, we will examine the Department of Defense's (DOD) ability to detect and counter cyber threats, build and maintain its cyber workforce, and meet the challenge of cyber issues in the broader environment, including global dynamics and competition in space.

GAO's deep cyber expertise includes its Center for Enhanced Cybersecurity (CEC), a dedicated group of cyber professionals that dig deep into the technical details of agency systems and networks to get to the bottom of persistent cybersecurity weaknesses. As networks and information systems have become more elaborate, diverse, and interconnected, GAO has recognized the need to cultivate a center of excellence to conduct in-depth technical audits. Through vulnerability assessments, cybersecurity control testing, and technical advice, the CEC has ferreted out and recommended fixes

for hundreds of weaknesses throughout the federal government—an unrivaled asset for cybersecurity vigilance.

- **National Security Enterprise.** Threats to national security continue to evolve—including threats from Russia, China, North Korea, and Iran, as well as from other global and domestic threats. The war in Ukraine underscores the potential for threats that challenge the international order and jeopardize global security. The White House's March 2021 Interim National Security Strategic Guidance highlighted two principal security trends: China's and Russia's challenge to the traditional international order and the re-emergence of long-term, strategic competition among nations.

In this evolving landscape, DOD plans to invest over \$1.79 trillion on its costliest weapon programs. GAO will continue to evaluate DOD's progress in improving its acquisition of these weapon programs. This includes evaluating cost, schedule, and technical performance of the portfolio.

GAO will also expand assessments of individual programs such as the Navy's Columbia Class submarine and the Air Force's Global Positioning System programs, and DOD's costliest program—the F-35 aircraft. GAO will also continue to assess DOD's efforts to facilitate rapid prototyping and fielding of capabilities within two to five years.

GAO will assess DOD's ability to develop and maintain military forces that are trained and ready to counter emerging threats. We will assess the well-being of DOD's military personnel, the resilience of infrastructure in the face of climate change, and efficiency of the DOD's organizational structure. We will expand our assessments of DOD's ability to efficiently sustain critical platforms and systems throughout their lifecycles. We will also expand assessments of important emerging issues, such as DOD's ability to conduct electromagnetic, and information operations. Finally, we will continue to expand our assessments of the intelligence community's management and structure in support of the national security enterprise.

- **Health Care Spending.** GAO will continue to examine federal health care spending, which accounts for more than 25 percent of the federal budget. Putting the nation on a sustainable fiscal path requires that the government better understand and restrain the growth in health care spending, including spending on prescription drugs. In March

2021, we issued a report that examined one of the main factors that affects drug spending—drug prices. We found that U.S. prices were two to four times higher compared to prices paid by consumers for brand-name drugs in other selected countries. We have forthcoming work looking at potential drivers of increased federal spending on drugs.

We will also continue to examine the sustainability and integrity of the Medicare and Medicaid programs, which together accounted for more than one trillion dollars in expenditures and an estimated \$148 billion in improper payments in FY 2021. In addition to eroding public trust, the scope of improper payments in these programs jeopardize the government's ability to provide care for those who most need it in the future.

In addition to supporting work in critical areas, such as national security and healthcare, the FY 2023 budget request would support internal investments needed to enable auditors to better serve the Congress. These internal investments include accelerating IT modernization and addressing deferred maintenance at GAO's HQ Building.

- **IT Modernization.** GAO will continue to execute its IT Modernization Plan, a multi-phase strategy that shifts the majority of IT operations to cloud computing. Doing so will allow us to take advantage of enhanced capabilities through on-demand infrastructure and greater access to innovative technology provided by cloud vendors. The target state within this strategy is an enterprise IT architecture modernization that provides enterprise-class computing capabilities, scalability, security, and resiliency. IT modernization will also reduce capital expenditures in the long term, make operating costs more predictable, and support federal Cloud Smart policy.

Moving forward we will continue implementing efforts identified in our IT Modernization Plan. This will increase GAO's flexibility to evolve IT services as agency mission needs change, strengthen information security, increase IT agility, and maintain compliance. For example, we will continue the implementation of an Enterprise Content Management system, which will replace and retire legacy technology. We will also continue to move critical applications from on-site to the cloud and strengthen protection of personally identifiable information across multiple systems.

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- **Deferred maintenance.** GAO's FY 2023 budget request will allow us to move forward with critical headquarters building initiatives that have been deferred for several years. In FY 2021, GAO took a major step forward in reducing the more than \$80 million in deferred maintenance at our headquarters building by starting work on \$16.4 million in critical building repairs and replacements. This initial installment in our multi-year effort to reduce the backlog of maintenance will help ensure the reliability and safety of the headquarters building for staff and tenants for many years to come. In addition, GAO plans to begin work on a variety of critical maintenance and construction initiatives, including constructing a new secure room for our growing body of work involving classified information and adding blast protection to the windows at our HQ building.

Highlights from FY 2021 and Recent Results

GAO documented \$66.2 billion in financial benefits and over 1,200 in program and operational benefits in FY 2021. GAO issued 578 reports and more than 500 legal decisions, and made 1,602 recommendations to improve government operations. GAO also testified at least once before 45 separate committees or subcommittees on a range of issues.

The Congress continues to use GAO's work to inform its legislative decisions. For example, recently enacted legislation, such as the National Defense Authorization Act for FY 2022, Consolidated Appropriations Act for FY 2021, and Infrastructure Investment and Jobs Act included more than 50 directives for agencies to implement our recommendations or take actions based on recommendations or findings. Most recently, the Consolidated Appropriations Act for FY 2022 included over 25 directives that would spur agency action on GAO's recommendations. For example, the Act:

- requires the Office of Management and Budget (OMB) to publicly post apportionments for executive branch appropriations, as we recommended, to increase visibility into OMB's use of its apportionment authority;
- directs DOD to report to Congress on its progress toward deploying the electronic health record system;
- directs the Department of Energy to establish a performance baseline for the U.S. International Thermonuclear Experimental Reactor Program, consistent with our long-standing priority recommendation; and
- directs the National Institute of Standards and Technology to coordinate across the federal government in identifying an

authoritative set of climate information, as we recommended, to assist organizations in developing standards to improve building resiliency and therefore lower long-term costs.

Agencies also act on our recommendations to improve their programs and operations. Agencies typically implement 75 percent or more of our recommendations within four years. For example, in FY 2021 our work on:

- **public safety and security** led the Food and Drug Administration (FDA) to release information on its review of COVID-19 therapeutic emergency use authorizations (EUAs) and COVID-19 vaccine EUAs, increasing public transparency about the products' safety and effectiveness;
- **vulnerable populations** prompted the FDA to develop a timeline to finalizing its guidance for managing the risk of arsenic in infant rice cereal and to coordinate with the U.S. Department of Agriculture (USDA) on developing methods to detect arsenic in food, which will better protect human health and reduce potential duplication in research; and
- **agency operations** led the Centers for Disease Control and Prevention (CDC) to implement 195 recommendations to help address weaknesses in cybersecurity controls, which will help protect its systems from threats and vulnerabilities and ensure the security of sensitive data about the nation's health.

We also continued to make an impact with key bodies of work, including our COVID-19, High Risk, and fragmentation, overlap and duplication reporting.

COVID-19 Response and Recovery. Since spring 2020, we have provided ongoing [oversight](#) of the federal government's response to COVID-19. In January 2022, we issued our ninth government-wide report. We have also issued an additional 139 individual reports, testimonies, or other products, through March 18, 2022. We have made 277 recommendations to federal agencies, and raised 15 legislative matters for congressional consideration to improve the government's COVID-19 pandemic response and increase transparency and accountability over emergency and non-emergency federal spending. Agencies have partially or fully implemented more than one-third of these recommendations.

High Risk. In March 2021, we issued the biennial update of our [High Risk Report](#) to focus attention on government operations that are vulnerable to fraud, waste, abuse, and mismanagement or that need transformation—offering solutions to 36 high-risk problems. In FY 2021, our high-risk work yielded \$52 billion in financial benefits, 508 other benefits, 157 reports, and 37 testimonies. Financial benefits to the federal government from addressing high-risk areas over the past 16 years (FY 2006 through FY 2021) have totaled nearly \$627 billion.

In January 2022, GAO also [designated](#) the Department of Health and Human Services' (HHS) coordination and leadership of public health emergencies as High Risk due to significant, long-standing deficiencies. For more than a decade, GAO has found persistent deficiencies in HHS's leadership role preparing for and responding to public health emergencies, including COVID-19 and other infectious diseases and extreme weather events.

Fragmentation, Overlap, and Duplication. In 2021, we issued our eleventh annual [report](#), which identified 112 new actions in 29 new areas (and four existing areas) that could reduce fragmentation, overlap, and duplication, or provide other cost savings and opportunities to enhance revenue across the federal government. From 2011 to 2021, we identified 1,200 such actions. As of August 2021, the Congress and executive branch agencies had fully addressed 666 of these actions and partially addressed 207, yielding about \$515 billion in financial benefits.

Concluding Remarks

GAO has had another year of strong performance in serving the Congress, and has a proven track record of delivering a sound return on investment. These results are due to the hard work and dedication of our diverse and professional multidisciplinary staff. GAO continues to successfully attract and retain a talented and dedicated workforce, and is recognized as one the best places to work in the federal government. In June 2021, the Partnership for Public Service ranked GAO first among mid-size federal agencies as a "best place to work."

We value the opportunity to serve the Congress and the nation by providing timely and insightful analysis on the quickly evolving challenges facing the country. Our FY 2023 budget request allows GAO to build on our resilience to adapt to the rapidly changing requirements of today. This will ensure that GAO is well-positioned and prepared to address both emerging and long-term priorities of the Congress.

MANAGING MEMBER REQUESTS

Mr. RYAN. Thank you. I appreciate it. Always great to hear from you. This is one of my favorite hearings every year to hear about how you are trying to help us modernize the government.

A couple questions. I will start off here first, Mr. Dodaro. Do you know how many member requests you guys were unable to respond to in the past year or so?

Mr. DODARO. Yes. Well, we are able to get to all the requests but not as quickly as we would like, Mr. Chairman. I mean, that is part of the problem. There are about 67 that we weren't able to get to when we promised the committee that we would be able to get to them because of developments that happened. Like, for example, we had reached agreement with everybody about all the requests before the omnibus passed, and then there is, you know, 25, 30 more statutory mandates in there.

According to the congressional protocols that we negotiated with the Congress, priority one are requests for statutory mandates and committee and conference report mandates; priority two requests from committee chairs and ranking members. And so we do that. So about 10 percent of the work that we do we couldn't get to exactly when we said we were going to get there. I am hopeful, if our budget request is honored, we will be able to do better on that next year.

Mr. RYAN. Can you give us a little more specifics on doing better, so what does that mean? What is the average turnaround time now for a Member request, and what would it be if this budget request was fulfilled and you got 3,500 full-time equivalents?

Mr. DODARO. Yes. Well, typically we are fully booked all the time. So, when we get a request in, if it is not priority one—priority ones we try to start right away—it is about 8 months before we can get to a number of Member requests. And so what I would like to do, if we get this request, is at least get it down lower than 8 months. I am not sure how much. A lot depends on how much—what the volume of requests are during the year and the increase in the numbers statutory requirements that Congress has given us.

There has been a huge increase in the statutory mandates that Congress has given us, you know, including the coronavirus area. There we had to provide monthly briefings to the set of committees as well as bimonthly reports on what was the equivalent of doubling the size of Federal expenditures during the year. So it is a very dynamic situation.

We are always working with the committees to set priorities. That is the best way to deal with this. I regularly meet with chairs and ranking members of committees to try to make sure that we are working on their greatest priorities and what their needs are. And, of course, their needs always evolve and change as well. So it is about 8 months, but we want to do better.

STAFF RECRUITMENT AND RETENTION

Mr. RYAN. Let me ask you a couple quick questions here. We are all hearing about having trouble recruiting and getting people on board. How is the wage structure there? Is it competitive, or are you having trouble finding people to come and work for GAO?

Mr. DODARO. No, we are not having any difficulty. I mean, the wage issues are always important to focus on. We have provided cost-of-living increases and given performance pay increases. Since March 2020, when the pandemic started, we have hired over 1,000 people.

Four hundred and some were interns, which is the pipeline for our continued hiring. We hired 556 permanent employees. I am very pleased.

We have, you know more than doubled the staff in the Science, Technology, and Assessments area. When we started in 2019, we had 49 people in that area. Now we have 127. We are on target to get—try to get to 149 by the end of the year. I would like to increase it another 20 or so next year. Same in cybersecurity.

We are not having problem, and our retention rate is really good, Mr. Chairman. We have retained at least 94 percent of our people since 2017 or better every year. So our attrition rate is 6 percent or so, and half of that is retirements. I will be the last baby boomer left in GAO.

GAO RECOMMENDATIONS

Mr. RYAN. Great. Real quick, we know you make these great recommendations, and we value them. What actions have you guys taken as far as encouraging agencies to act, and what can we do from the congressional side to encourage people to implement what your recommendations are?

Mr. DODARO. Yes. I appreciate that question. About 76 percent on average of our recommendations get implemented during a 4-year period of time. Some of them are complicated and it takes time to act.

What I do is meet with every new leader of the Federal departments and agencies across the government to talk to them, get to know them. I do that on a regular basis when there is a new administration, or there is a change in the leadership position because of turnover. I send letters to every head of departments and agencies across the government listing open priority GAO recommendations. I don't list everything, but I prioritize it for their personal attention. Those letters are sent to the congressional committees. They are also made public, so there is a lot of visibility over those issues.

We also work with the committees to make sure that the committees take action. Like in the omnibus there were, 20-some provisions directing people to implement GAO recommendations. So that is what we do.

Now, what the Congress could do is to continue to hold oversight hearings, work with us to implement open recommendations. Right now, we have about 5,000 open GAO recommendations, which we keep accumulating. Ms. Herrera Beutler mentioned we made 1,600 new recommendations last year. So we are always adding new recommendations. About 446 are priority recommendations. These are things that could have significant savings and things that would be important for public safety and security reasons.

Mr. RYAN. All right. Great.

Ms. Herrera Beutler.

IMPROPER PAYMENTS

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

And I had a similar question along the first—what the chairman just asked, so I am going to skip down a little bit.

So, Comptroller, given the Nation's long-term fiscal challenges, I don't think—I don't think anybody here would agree—or would agree that we should not be wasting \$281 billion on improper payments. In fact, the \$281 billion I understand is a conservative estimate, considering several agencies with large programs are not reporting estimates and some estimates are not comprehensive.

So Congress needs, I think, GAO's guidance to address this problem. So what is GAO doing to address this area of significant waste in the Federal budget, and do you have any recommendations to our committee for legislative or technical changes to prevent these improper payments?

Mr. DODARO. Yes. As I mentioned in my opening statement, I testified about 10 different legislative solutions to these areas. Number one, we need to get the chief financial officers of all departments and agencies involved in reviewing the estimates.

Right now, it is only the program people who administer the programs that provide the estimates. We need to get more rigor in the estimates, but also to follow up on corrective action plans and to bring the rate down. The rate has been brought down through concerted effort in the Medicare program, but not Medicaid. Also this is a pervasive problem. There were 86 programs that reported last year improper payments at 16 different agencies across the government. A third of those had error rates above 10 percent, some approaching 20 percent error rates. So this is a real problem.

So we get the CFOs more involved. Second, there needs to be more public reporting. OMB retrenched on the provision to have it reported. Each agency produces a public financial report every year. And OMB said that you didn't have to report improper payments in the financial report of the agency. I said, that doesn't make sense. I mean, the financial report is basically to say how agencies provided stewardship over Federal funds and whether the payments were proper or not. So I have been encouraging OMB to reinstate the requirement, but Congress should put it into law.

Thirdly every new Federal program that is over \$100 million should be determined to be susceptible to improper payments. So estimates are made in the first year of the program. Agencies should have to prove that it is not a problem given the pervasive nature of this rather than the current situation, which is they are not required to make estimates until 2 or 3 years into the program when these problems are entrenched. Then it is too late before we get on top of the problem.

I also made a number of recommendations to improve fraud prevention, but I know you have other questions, so we can talk about those potentially later. I would be happy to submit my testimony to the committee with all our legislative recommendations.

GAO SCIENCE, TECHNOLOGY ASSESSMENT, AND ANALYTICS TEAM

Ms. HERRERA BEUTLER. That would be great. I feel like every—we could spend a long time just talking about the Medicaid piece alone, dedicate a whole hearing to.

I wanted to ask about—I am trying to decide what to do, which one to do. Honestly, let's see, we will—I am going to just stay on the Science, Technology Assessment, and Analytics team. The committee is really pleased with the work and the growth of this—of I think the STAA—ST double A, okay, I don't know how to say it right, but we are excited about this.

And I think your candid assessment about whether STAA would benefit from greater independence within GAO to have better autonomy to pursue kind of self-directed work, that could benefit Congress. Do you think that it has enough staff, resources, and bandwidth to do this? And then should it have its own appropriations line? And, if not, how do we ensure that division gets the resources needed?

Mr. DODARO. Yes. Well, first of all, STAA, like all the teams in GAO, have tremendous independence to do the work and we work in cooperation. And, also, all the work we do in GAO basically has people from multiple teams staffing that work. So, for example, when we do a technology assessment on regenerative medicine, which we are going to do, our healthcare professionals and our healthcare team work on that too, with STAA. You need people that have both technical and policy backgrounds.

I am not in favor—and I testified on this before the House Committee on Modernization. I am not in favor of separate line item appropriations for STAA or any other team in GAO because I think it will lead to stovepipes within the agencies. I have spent most of my career eliminating stovepipes within GAO and in Federal agencies across the Federal Government.

And I mentioned other areas in my statement that are of intense interest to the Congress, including defense and healthcare. So I think it would be disastrous and ruin our flexibility if there was a specific appropriation for defense, healthcare, STAA. I mean, we are being responsive. We have increased the size of the group. I am asking for some additional resources. We have never, never not met any requests from Congress in the STAA area. From my perspective, this is a solution in search of a problem. I think it would be very detrimental to GAO to go in that direction.

Ms. HERRERA BEUTLER. Message received. Thank you. Thank you so much.

I yield back, Mr. Chairman.

Mr. RYAN. Thank you, Ms. Herrera Beutler.

Next is Ms. Clark.

Ms. CLARK. Thank you, Mr. Chairman.

Mr. RYAN. Thank you.

REDUCING REPORT WAIT TIME

Ms. CLARK. Thank you, Mr. Chairman.

It is good to be with you, Comptroller Dodaro. I want to begin by thanking you and your team for two GAO reports I requested, one on preventing child abuse in youth residential facilities and an-

other that evaluated the employer-provided childcare credit. They took over a year to get here, but they were incredible when I got them.

So I am delighted to hear that this budget is looking to reduce the 4-month wait. You have been able to narrow this down to further. But do you have any sense of timeframe, or it is just this budget will help you keep moving in the right direction?

Mr. DODARO. Well, it will help us keep moving in the right direction. I hesitate to give a timeframe, because I don't know what the volume of requests are going to be.

Ms. CLARK. Yeah.

Mr. DODARO. You know, we are unlike a consulting firm that has to go out and look for business. Business comes to us, and it comes in droves, and it comes from a lot of different sources, so I hesitate to give you a specific time frame. But this will give us 100 more people, and I am confident that that will help us to be more timely in being responsive to the Congress.

CYBERSECURITY THREATS

Ms. CLARK. That is good news.

And I also want to thank you for your focus—it is a priority for Congress and the Biden administration—on cybersecurity. And I know that is one for your Information Technology and Cybersecurity team, ITC. I wonder if you can share with us what your assessment of the Federal Government's efforts in recent years to secure critical infrastructure, especially in light of the threats from Russia that we are seeing, and to what extent your budget is going to improve upon ITC's expertise and capacity to remedy cybersecurity shortcomings?

Mr. DODARO. Yes. As I mentioned in my opening statements, I don't think the Federal Government is operating at a pace commensurate with the evolving threat. This is particularly true in the critical infrastructure area. There are standards produced by the National Institute of Standards and Technology that are given to the private sector. Eighty percent of the computing assets in our country are in the private sector hands. So this is very important. Critical infrastructure protection, as I mentioned, was designated a high-risk area in 2003. So I have long been concerned about this and industrial control systems and other things as we become more dependent on technology, but those standards are voluntary to be implemented on the part of the private sector. There are a very few specific areas where the Federal Government has regulatory authority that they can be more aggressive and encourage implementation of those standards. So, really, right now, for many of these 16 critical infrastructure sections, the Federal Government really doesn't know how prepared the infrastructure sectors are to deal with cybersecurity threats.

I was glad to see the Congress pass legislation to require more reporting of cybersecurity incidents and on a faster basis, so that is one step in the right direction. But there needs to be more sharing of information between the public sector and the private sector. What this reminds me of is before 9/11 when there was not enough sharing among the 16 different intelligence agencies about terrorist threats. We have a very, stovepiped kind of situation, and there is

not enough sharing. As a result, we are not able to react enough or to give them advice on how to prevent things.

So there is a lot more work that needs to be done. I am pleased that we are becoming more aggressive in the Federal Government about dealing with these issues, but it shouldn't take a Colonial Pipeline issue and some of these other real disastrous situations to prompt action.

INTELLIGENCE COMMUNITY SHARING

Ms. CLARK. Yes. And speaking of sharing that—I agree with you the sharing across the private and the public. But sticking to the public and the public, last year, we talked about your ability to share information and the challenges you were experiencing with respect to the intelligence community, and you were optimistic in your assessment of IC's willingness to cooperate. And I wonder if you could update us on how your meeting with Director Haines went last year, and has anything changed since your last assessment of cooperation from the IC?

Mr. DODARO. Yes, I was very pleased with my meeting with Director Haines, as I have been with most of my meetings with the agencies. And where I have had some problems I have talked—had further discussions—with the agencies, and that has been worked out. It is working there.

In the intelligence community, my optimism was correct. So I still feel optimistic about it. There are always going to be special challenges in that area because of the sensitivity, but I am confident we can work through all those issues. And we have been getting additional requests from the Congress. For example—to look at—Chinese language skills in the intelligence community. We are looking at that issue now. We have looked at personnel vetting. We have looked at hiring and talent management in the agencies. And so our work is increasing, and the cooperation has been good.

Ms. CLARK. Great. Thank you.

Thank you, Mr. Chairman. I yield back.

Mr. RYAN. Thank you, Ms. Clark.

Next up is the gentleman who was the first to arrive here today on the committee, Mr. Newhouse.

COVID-19 RELIEF

Mr. NEWHOUSE. Thank you, Mr. Chairman. I appreciate the recognition for being on time.

Mr. Comptroller General, thanks for being with us this morning, and thank you and everyone that you work with for your very important efforts on the key function of the Federal Government, and I appreciate all the work that you have done and for your reporting today.

I just wanted to talk a little bit or ask you a little bit about, first of all, you know, part of the COVID relief efforts that Congress established this special investigator for COVID-19 programs, and so I am curious as to your—you talked a little bit about it in your opening remarks but your—I want to be clear about your coordination, the relationship with that office, the intersection that you have kind of delineated the responsibilities. So that is one idea I want to be clearer on.

Then also, you know, the numbers are, you know, out of something over \$4.5 trillion of aid that has been put out there, you know, the numbers of fraud still are pretty staggering, large numbers. And I wanted to know if the numbers that were being reported are specific, clear numbers of fraud, or are they estimates? And if they are specific, does that mean that these are active cases that we are going after the recovery of these funds?

And I have heard that overall the number is something over \$230 billion in fraud, with only about—and correct me if I'm wrong—only about \$10 billion of that overall been recovered. If that is the case, you can verify. But what is the prospects of recovering more than that amount, and what will it take to get there? Is this kind of like squeezing blood out of a turnip, so to speak, or is there a good chance of us recovering more? So I just want to start with those thoughts, if you could.

Mr. DODARO. Sure. First, on the special pandemic relief accountability committee that was established in the Inspector General community, right after the CARES Act was passed in 2020, one of my first calls was to Michael Horowitz, who became the chair of that committee to work on cooperative agreements. I just met this March with the IG community, all 78 or so IGs to coordinate. We also coordinate with each one individually. So we have very effective working relationships with the inspector general community to make sure we are each using our resources effectively and efficiently, and we coordinate on a regular basis.

Now, with regard to the fraud situation—there was a great sense of urgency to get this money out. As a result, some of the controls that should have been in place before the payments were made were either reduced or eliminated. Then, also, a number of corrective actions that we had recommended, had not been put in place. If you do not have these prepayment controls in place, you have got to quickly do post-payment reviews to make sure you did it right. The money is out there, but then you check, you monitor, and then you audit, and those were slow to come.

Now, part of this problem, Congressman Newhouse, was exacerbated by the fact that agencies did not implement legislation the Congress passed in 2016. In 2015, GAO had identified a fraud framework that could be used to prevent fraud. Now, the only way to successfully safeguard the Federal Government's money from fraud is to prevent it in the first place. You have very dim prospects of recovering the money after it is long gone. In your analogy, I would bet more on the turnip than I would on getting the money back in these cases. But the agencies were slow to implement this 2016 law. This was particularly true at SBA and the Labor Department, the Unemployment Insurance program. So I was very disappointed, and this caused a problem.

Now, with regard to the number, they are all estimates. Fraud is a very specific thing because you have to prove intent, so it is really a legal determination. So, until all these cases are resolved—now, there have been hundreds of people that have already pled guilty. There have been some that are convicted. There are hundreds of other investigations ongoing.

We know there was a huge improper payments problem. There is \$78 billion in improper payments just estimated in unemploy-

ment insurance alone for 2021. That doesn't include all the special programs that were created by the Congress. So some of the money has been recovered. Sometimes there is judgments against people for restitution. But the odds of that being collected—you know, I mean, there is a kind of rule of thumb in the law enforcement community. It is about 10 percent of what the restitution was set at—so the best thing to do is prevent it.

Now, I made legislative recommendations to have more fraud reporting in the financial report of the Federal Government, for Congress to reinstitute that requirement that lapsed, to provide more visibility. I have also recommended that Congress provide more aggressive oversight to make sure agencies can prevent fraud in the first place. That is our best safeguard right there.

Mr. NEWHOUSE. Yeah, prevent it before it happens. Yeah.

Mr. DODARO. Absolutely.

Mr. NEWHOUSE. Yeah. Thank you very much. Mr. Chairman, my time is up, so thank you.

Mr. RYAN. Thanks to the gentleman from Washington.

The distinguished gentlelady from Virginia, Ms. Wexton.

Ms. WEXTON. Thank you, Mr. Chairman. I appreciate it.

IMPROPER PAYMENTS

Mr. Dodaro, thank you for joining us here today. I really like what you are saying. I mean, I don't like what you are saying; I just like that you are saying it. It is just very, very important, and the GAO has done a lot to help save the government money.

So I am really curious about this issue of improper payments versus fraudulent payments. At what point are you able to determine whether they go from just being improper to being fraudulent, and is that something you have to refer to DOJ in order for that determination to be made?

Mr. DODARO. Yes, that is exactly right. We at GAO, since we are in the legislative branch, we do not have law enforcement authority. So, when we identify potential fraud, we refer it to the Justice Department or to the inspectors general. The inspectors general have much more—many more criminal investigators than GAO. So that is why when we work with them, they do more of the fraud investigations, so we refer it to them as well.

Ms. WEXTON. Got it. Okay.

EMPLOYMENT INCREASES

And you were asking for about 100 more full-time employees for fiscal year 2023. Is that right?

Mr. DODARO. Yes, that is correct.

Ms. WEXTON. And what area of expertise are those people going to have? I mean, do you need them because of these new mandates that you have from the infrastructure bill and from all the COVID relief and everything?

Mr. DODARO. No, we have the talent really on board in those areas. The new people would be mostly in the science and technology area. We are still hiring—we have hired a lot of engineers, people with scientific backgrounds, microbiology, chemistry, aerospace engineering. So we want to continue to add to our science and technology area and more cybersecurity people in GAO.

We will hire some people in defense area. If we get the additional money for infrastructure spending oversight that we are asking for, I would hire additional people, but they wouldn't necessarily be specialists—most of that work can be done by generalists at GAO. We have people that are experts in physical infrastructure that have been doing surface transportation, bridge work, telecommunications for a while.

So we have the capability; just be sizing that up a little bit more to deal with this work, because some of the coronavirus mandates, go through 2025. The infrastructure, some of those programs will go through 2024 as well. We are still auditing the TARP program from the Recovery Act days back from 2009, 2010 believe it or not.

So these things have long tails on them, just like disaster aid. And so we need more people to sustain this, because if we don't, what happens is it eats up our capacity, so when new requests come in from Congress, we can't be as responsive. So, if we don't get help on these special efforts, it would make it much more difficult to reduce that 8-month response time I talked about earlier.

Ms. WEXTON. Okay. So you think you are going to need these people in perpetuity really? I mean, it is just not—it is not like that could be a temporary thing—

Mr. DODARO. Yes, as much as perpetuity exists in life, you know, yes, we will need that capacity for the most part. I put surface—financing the Federal Government's transportation infrastructure on our high-risk list in 2007. Despite this recent, big investment in the nation's infrastructure, there they are going to be continued needs. We don't have a way to fund our transportation infrastructure on a regular basis the way we used to with the gas tax.

I mean, the gas tax hasn't been increased since 1993. The Congress has been tapping general appropriation funds since 2008 to supplement the revenues that should be going into the trust fund. So the whole issue about user pay has been broken there in the transportation area. So I do think there is going to be more attention that have to be focused on transportation issues beyond implementation of this new investment in that area.

FRAUD

Ms. WEXTON [continuing]. Versus fraudulent payments, does GAO often uncover them before like Medicaid does itself and before these agencies uncover it themselves?

Mr. DODARO. In some cases, we do, but not in most cases. In most cases, I mean, these are estimates that are made. And what I want to do, and I have tried to work with the administration, is in the Medicaid area—and this is true in Unemployment Insurance as well—they are administered at the State level. Now, each State has an auditor that is either appointed or elected and we deal with those State auditors all the time. I think we ought to invest and give them more responsibility to audit at the State level because each of these programs, the Medicaid programs are different in each State. They are not uniform. And I think the State auditors, getting them involved could help prevent some of these things where they could identify them ahead of time.

I am also working with the administration, Treasury, and OMB, and the White House person focused on the American Rescue Act

implementation, on new ways to do identity verification so we know when somebody applies that that is the person who says they are. A lot of this fraud occurred with people stealing identities, making up identities, fake firms. We should be able to do a better job in identifying and verifying who we are going to give the money to before we give it to them.

Ms. WEXTON. That has been a continuing issue. So, if you find any solutions, please let us know, because it is something we have been looking for for many years, so—

Mr. DODARO. I used to have a greater faith in human nature before I took this job, but, you know, these emergencies bring out the best in people, healthcare workers and others, but they bring out the worst in people that want to prey on this situation, and they do. They are very creative, and so we need to be on our guard.

Ms. WEXTON. Thank you very much, Mr. Dodaro.

And thank you, Mr. Chairman. I yield back since it appears my time has long expired now.

Mr. RYAN. Thank you. Thank you, Ms. Wexton.

The distinguished gentleman from Hawaii, Mr. Case.

STAFFING REQUESTS

Mr. CASE. Thank you, Mr. Chair. My faith in human nature has been on a long up and down curve since taking this job. Thank you again for all of your service, and I join everybody else's comments along those lines.

Can I just say on the subject of just understanding your staffing requests, first of all, for fiscal year 2022 recently enacted, 3,400 FTEs, are you at 3,400 FTEs right now?

Mr. DODARO. No. We will be close to that by the end of the year. We are like—our projections are, I think, around 3,390, so we are very close.

Mr. CASE. Okay. And then, I guess, the similar question is, so you want to go up another 100. In response to Ms. Wexton, you outlined the areas where you want to go up. I just did some really simple math just to understand what you were trying to achieve and kind of broke it down to a unit cost, if I can put it that way. And it looks like your unit cost per FTE request is about 5 percent up from fiscal year 2022 to 2023. All I did was just take the total amount requested, divided by—you know, divided by the FTE and run a percentage from year to year on it.

And I guess, first of all, does that sound about right, No. 1, and then, No. 2, I am just trying to ask myself, is that enough to get you to 3,500 FTEs at an increase of somewhere around 5 percent? I guess it would make sense if—I guess it would depend a lot on where those FTEs were, but if you are trying to hire into the far more competitive—

Mr. DODARO. I think you went on mute, Congressman.

Mr. CASE. I don't know where I went off.

Mr. DODARO. Well, you weren't off long.

Mr. CASE. Okay. So, if you are trying to hire—I was saying that if you are—that would depend a lot on where your FTEs were coming from. Maybe 5 percent would be reasonable in some areas of FTE increase. But if you are in a highly competitive environment, as I suspect you still are from a salary perspective, is that going

to be enough to get you to 3,500 FTEs or at least the ones that you want?

Mr. DODARO. Yes, I think we can get there. We have been fairly aggressive in hiring this year, even though our appropriation wasn't known until halfway through the fiscal year. You know, that is a problem. I mean, when I testified before the House Modernization Committee, they want to know what they could do to help us. And I said, well, if we can get our appropriation passed before the beginning of the fiscal year, that would be a good start, because you don't want to hire until you know.

Now, we were able to be more aggressive this year since we did get additional supplemental appropriations for the CARES Act work, and so we felt confident moving forward in that area. So we are going to end this year in a good position. A lot depends on your strength at the end of the year and how many people you have, because if you don't have a lot of people on board at the beginning of the fiscal year, it is hard to burn the FTE level during the year.

So I feel confident we will be able to do that and we will be able to find the people that we need. We have been pretty successful in the science and technology area, cybersecurity as well. I have been very pleased with our ability to recruit in those areas. The other areas, healthcare and defense, won't be a problem at all. We have got a long track record there, and we have done pretty good.

I mentioned earlier that we hired 440-some interns since the COVID started. What we do is we hire our interns competitively, and so, once we know how much money we will receive, we can make those that did a good job a job offer right away and get them all scheduled to come in. So I am fairly confident we can hit the FTE level. Of course, it would help if we get our 2023 appropriation, you know, at least by the end of the first quarter in 2023.

Mr. CASE. Oh, I am glad you said 2023. I was going to ask you which first quarter were you referring to.

And just a quick clarification, the amounts that were allocated straight from the bipartisan infrastructure plan where you picked up obligations there, are those positions necessary to carry those out, are those part of your 3,500 FTEs, or are those kind of a separate category of staff?

Mr. DODARO. Those are a separate category of staff.

Mr. CASE. Okay.

Mr. DODARO. We are asking for multiple years, and over those years, it would be equivalent of 125 staff but spread over a number of years.

Mr. CASE. Okay. Great. All right. Thank you so much again.

I yield back.

Mr. RYAN. Thank you, Mr. Case.

The distinguished gentleman from Nevada, Mr. Amodei. Going once? Going twice?

Mr. AMODEI. Thank you, Mr. Chairman. Can you hear me?

Mr. RYAN. There you are.

Mr. AMODEI. Hey, sorry about that.

Sorry, Mr. Comptroller General. Listen, we have reviewed your report, been listening with your conversations with the other folks. I want to thank you for your service, and we will yield back.

Mr. DODARO. Thank you.

Mr. AMODEI. Yep.

Mr. DODARO. Good to see you again.

Mr. RYAN. Thank you.

The distinguished gentleman from New York, Mr. Espaillet.

Mr. ESPAILLET. Thank you, Mr. Chairman.

Thank you, Comptroller Dodaro. Last year, the GAO science and technology team grew tremendously, reaching a total of 123 staff members as of December of 2021. What is your staff goal for the S&T team in order to bolster your expertise in science and technology, and how will your fiscal year 2023 proposal help you achieve this goal? That is the first question.

Mr. DODARO. Sure. We are hopeful that we can achieve about 149 staff by the end of this fiscal year, although that is a little bit of a stretch goal. But I am hopeful then that we can increase it to about 165 people or so depending upon the response to our budget request in fiscal 2023, Congressman.

ENGLISH-LANGUAGE-LEARNERS

Mr. ESPAILLET. Okay. Thank you. Thank you, Comptroller.

Now, my second question is, as part of the GAO's COVID-19 monitoring and oversight responsibilities under the CARES Act, the GAO found that some English-language learners couldn't fully participate in distance learning due to language barriers that limited access to technology. Your report states that English-language learners lost the opportunities to practice their language skills, according to school district officials and representatives of a professional association.

This is a reality that I have heard from my constituency. Additionally, families have informed me that their children are being misclassified as having learning disabilities instead of having English-language learners' challenges; thus, the services they received are often misguided and delaying their academic success.

Will you commit to studying how local education agencies determine how students are classified as English-language learners in order to guarantee that the funds to these populations are used in a manner that is what we intended as Members of Congress?

Mr. DODARO. Yes. I am happy to look further at that issue. You know, as a parent, and grandparent myself, I am very concerned about the learning loss that occurred during the pandemic. We found in a national survey that over 1 million teachers had at least one student who never showed up at all during the pandemic.

And so this is a problem. It is a problem especially for those that have language challenges but also special needs children as well regardless of the language. And so this is a very important issue. It is a sad development for our children, and hopefully we can recover, but I would be happy to look further at that issue.

Mr. ESPAILLET. Very often English-language learners are expected to be proficient, English proficient in like a very short period of time. Most data shows that it takes anywhere from 6 to 7 years to be language proficient. And some of the metrics of the tests that are provided by States are tough even for U.S.-born children with regards to English language arts.

And so—and a language learner, an English-language learner may be asked within a year to be performing at a level that even

U.S.-born children have difficulties meeting. And so, as a result, they often get misclassified as having a disability, or they are forced into failure, you know, and they are sort of like pushed into a corner where they will fail.

So I think it is important that we adapt to their needs and be able to recognize what their needs are, whether they are a English-language learner or children with special needs, and then provide the tools that they will be able to use to move forward. But I do hope—thank you, and I do hope that my team will be working with you eliminating these barriers for academic achievement for English-language learners.

CLOSING REMARKS OF CHAIRMAN RYAN

Mr. RYAN. I thank the gentleman.

Thank you, gentleman from New York. We appreciate it.

We covered a lot of ground here today, Mr. Dodaro. Thank you so much for your time. We have got a lot of different hearings going on now that our members need to get to, as you know happens this time of year. So we are only going to do one round of questions. We appreciate your thoroughness.

And, again, on a personal level, I think all the members of the committee, we lean on you and we count on you and we count on the work of all the good people that you have with you. So if you could just make sure you let them know how invaluable they are to us trying to make this thing called government work and trying our best to modernize to keep up with all of the challenges that we all face. Please let them know how much we appreciate them, and we appreciate you.

And, you know, we will definitely be in touch. And we are going to look very, very closely at your budget request, knowing the demands that you all have and then also considering the demands we have here with the limited amount of resources. So we appreciate you. We love you and can't thank you enough.

And, with that, this hearing is adjourned.

Mr. DODARO. Thank you very much, Mr. Chairman.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE ED CASE
Gene Dodaro, Comptroller General of the United States
Government Accountability Office
Committee on Appropriations
Subcommittee on Legislative Branch
Government Accountability Fiscal Year 2023 Budget Request
April 5, 2022

Oversight of the Intelligence Community

Background: Although the authority of the Government Accountability Office (GAO) to oversee the Intelligence Community (IC) is clear in statute, the IC insists that it is not subject to GAO oversight and provides information to the GAO only through its authorizing committees.

Question:

- While GAO has a strong relationship with House Armed Services Committee and House Permanent Select Committee on Intelligence on matters within their jurisdiction, would it be helpful to legislatively re-clarify and strengthen GAO's current authority to oversee the IC?
- How else can Congress support GAO's oversight of the IC?

Answer:

We do not think it is necessary at this time to legislatively re-clarify or strengthen GAO's current authority to oversee the IC. GAO has been able to obtain the information needed to conduct our work.

GAO's access to Intelligence Community (IC) information has improved following the Office of the Director of National Intelligence's (ODNI) issuance of

Intelligence Community Directive (ICD) 114 in 2011. Continued support by the Congress will be important in helping us address issues that do sometimes arise, to include delays in obtaining needed information or spurring action on GAO open recommendations. We will continue to keep the Congress apprised if this situation changes in the future.

Unimplemented Recommendations

Background: Many important recommendations made by GAO spend years unimplemented by agencies. This is especially concerning as these recommendations often address the efficiency and can lead to taxpayer savings.

Question:

- What legislative measures could help agencies more quickly implement GAO recommendations or draw more attention to important unimplemented recommendations?

Answer:

Congress already uses appropriation and authorization legislation to require agencies to implement GAO's recommendations. For example, the National Defense Authorization Act for Fiscal Year 2022 directed the

- Secretaries of the Army and Navy to develop and execute a plan to implement nine recommendations we made related to ground combat vehicle training accidents; and
- Secretary of the Navy to implement eight recommendations we made to ensure Navy surface ships have enough crewmembers to operate safely, better manage crewmember fatigue, and account for additional training workload.

Congress could increase the use of appropriation and authorization legislation to spur additional agency action on GAO's recommendations. Agencies' budget cycles could provide an additional opportunity. The Good Accounting Obligation

in Government Act, or the GAO-IG Act, requires agencies to include information on the status of open GAO and IG recommendations in their agency budget justifications each year. Congress could use this information to press agencies to take action on the recommendations.

Congress could also act on GAO's recommendations directed to it. As of May 2022, there are 204 unimplemented recommendations directed to Congress on a range of government programs and issues. Addressing these recommendations can often lead to significant cost savings and programmatic improvement. For example, the Consolidated Appropriations Act, 2021 rescinded about \$1.9 billion of the remaining \$4.3 billion in credit subsidy appropriations for Department of Energy's Advanced Technology Vehicles Manufacturing program. We had previously recommended that Congress take this action due to low demand for the program. Congress now has the opportunity to use the funds for other priorities.

Congress could also increase the use of oversight hearings to ask agencies about their efforts to implement GAO recommendations. From our experience, spotlighting GAO recommendations in such hearings can provide a strong incentive for agencies to more swiftly act on recommendations.

Finally, Congress could help reinforce GAO's own efforts to get agencies to act on our recommendations. In particular, each year the Comptroller General sends letters to the head of major departments and agencies that identify priority recommendations—that is, recommendations that, if implemented, could yield significant financial and nonfinancial benefits. We provide a copy of these letters to the committees of jurisdiction and also make them publically available on our website. Congressional committees could ask agencies to provide them responses to GAO's priority letters.

TUESDAY, APRIL 5, 2022.

CONGRESSIONAL BUDGET OFFICE

WITNESS

PHILLIP SWAGEL, DIRECTOR, CONGRESSIONAL BUDGET OFFICE

OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. The committee will come to order. This hearing this afternoon is fully virtual, so we need to address a few housekeeping matters. First, for today's meeting, the chair or staff designated by the chair may mute participants' microphones when they are not under recognition for the purposes of eliminating inadvertent background noise.

Second, members are responsible for muting and unmuting themselves. If I notice when you are recognized you have not unmuted yourself, I will ask you if you would like the staff to unmute you. If you indicate approval by nodding, staff will unmute your microphone.

Third, you will notice a clock on your screen that will show how much of the 5-minute clock is remaining. If there is a technical issue, we will move to the next member until the issue is resolved, and you will retain the balance of your time. But we are going to be very strict with the 5-minute rule here today because we have another hearing and then a round of votes, so we are going to need to get through these hearings.

Fourth, we will be beginning with the chair and ranking member. Then members present at the time the hearing is called to order will be recognized in the order of seniority.

Finally, House rules require me to remind you that we have set up an email address to which members can send anything they wish to be submitted in writing—or they wish to submit in writing at any of our hearings. That email address has been provided in advance to your staff.

Dr. Swagel, nice to see you again. Thank you for joining us. We appreciate your time here today to discuss the fiscal year 2023 budget request for the Congressional Budget Office, affectionately known here on Capitol Hill simply as CBO.

CBO is a nonpartisan office that plays a key role in this institution. CBO helps Congress effectively exercise the power of the purse assigned to us by the Constitution. With CBO, Congress has its own independent economic analysis and cost estimate of proposed legislation, and therefore, we do not have to rely solely on the Office of Management and Budget within the executive branch.

CBO is vital for both the House and Senate Appropriations Committees, as we are the source of some of CBO's heaviest workload. We employ CBO's help in making sure our bills add up to what

they are supposed to, and we need CBO cost estimates at each stage of legislative action.

As you noted in your April letter to Senator Braun, CBO has not yet published updated economic and budgetary projections this calendar year. The current absence of information leaves this committee even more dependent on CBO's forthcoming baseline projections.

As chair of the subcommittee, I am acutely aware of the certainty and precision that the appropriations process demands of CBO, so I want to underscore how critical it is that your public commitment to provide us with the information necessary to discharge our duties on a schedule that supports those responsibilities holds firm. Again, we appreciate all the support you provide to us so we can make significant investments in American jobs and economic growth.

For fiscal year 2023, CBO is requesting a total of \$64.6 million, a \$3.7 million, or 6-percent, increase over fiscal year 2022 enacted totals. According to the request, this will mainly be used to support salaries and benefits for personnel.

Dr. Swagel, I look forward to your testimony today, but first I would like to yield to my friend and colleague from the great State of Washington, Ranking Member Jaime Herrera Beutler, for any opening comments that she would like to make.

OPENING STATEMENT OF RANKING MEMBER HERRERA BEUTLER

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

And it is great to see you again, Dr. Swagel. Your work is always of interest. It is always important. It is not always understandable, but that is part of why we enjoy working with you.

The CBO's fiscal 2023 request is \$60.953 million, which represents a 6.4-percent increase over last year's enacted level. And the Congressional Budget Office, for those folks who are watching—this is an exciting hearing—need to know how much what you do impacts everything we are able to do here in Congress. It is actually absolutely crucial.

And basically you provide the congressional budget, and it is the information on budgetary impacts of all the legislation that we are considering and trying to consider, and so much of it hinges on how—what is the cost of it and what are the impacts and how is it paid for.

And then really the tireless work of you and your staff is so appreciated. And I know your staff, when we have long evenings and weekends, your staff do as well because they are trying to make it work to get our legislation moving and in the right form for us.

So the majority of your requests for increase is your personnel cost to cover current employees' salary and benefits as well as provide funds for seven new staff members, which I believe you already spoke about, to meet the needs for the increase in legislative activity.

And something I find really important is ensuring all offices have equal access to the information that CBO provides, and you and I have spoken about this before. In recent years, Congress has appropriated funds to allow CBO to improve its responsiveness and its transparency to all Members.

And I was really pleased to see that, during your estimate release for the Build Back Better legislation, CBO released one title at a time in order to expedite the information instead of waiting for the entire behemoth of a report to be completed. And with a bill well over 2,000 pages, thousands of requests from staff as they develop the legislative proposals, and over half of the agency involved in the estimate, I really appreciate the creative flexibility that you and your team used to ensure the information was provided as fairly and as quickly as possible. So I look forward to hearing more about your agency's work and your ideas on how we can help CBO improve.

And, with that, I yield back, Mr. Chairman.

CHAIRMAN OUTLINES PROCEEDINGS

Mr. RYAN. Thank you, Ms. Herrera Beutler.

Without objection, your written testimony will be made part of the record.

Dr. Swagel, please summarize your statement for the members of the committee. Once you have finished your statement, we will move to the question-and-answer period. The floor is yours.

TESTIMONY OF PHILLIP SWAGEL

Mr. SWAGEL. Thank you. Thank you, Chairman Ryan, thank you, Ranking Member Herrera Beutler, and thank you, members of the subcommittee, for this opportunity to testify about the Congressional Budget Office's budget request. And, as you just said, the purpose of my testimony today is to request an appropriation of \$64.6 million for fiscal year 2023, and that is a 6-percent increase from the amount that we were provided in fiscal year 2022. And thank you, you know, to both you and to the entire committee for your support and for providing our full request this fiscal year.

So the request for 2023 would support our goal to be more transparent and more responsive. And I am very well aware of the need for us to make sure that what we do is understandable, and it is a key challenge for us is to make sure our analysis is clear and make sure it is timely, and to get that balance right and to improve when we don't get the balance right.

So, as you just said, about three quarters of the requested increase for next year is for personnel. That would cover the, you know, normal increases for the existing staff. It would cover the full year for the salaries and benefits for the staff we hired last year—or this year, that is, in fiscal year 2022, and then allow us to hire seven new staff next year.

One would be in IT, and we just need more help in IT, especially with the hybrid environment. Four would focus on health policy and the mix of energy, infrastructure, and climate, and those are areas of heightened legislative activity, you know, both health now, and then we are building capacity on energy and climate especially.

And then two others would be flexible, you know, more junior staff who would shift across topics to help on especially complicated work. And it is something we have been doing in the past that has been successful, and I want to keep building on that. And then the

remaining roughly one quarter of the increase, about \$1 million, would be mainly for IT enhancements, including cybersecurity.

So, in 2021, CBO worked on three major legislative packages, and so we provided technical assistance and cost estimates for the American Rescue Plan Act, the Infrastructure Investment and Jobs Act, and the Build Back Better Act. And, you know, we worked, you know, both to provide timely information, and as Representative Herrera Beutler said, to make sure that the information went out evenly to all interested parties. And I got that message, how important that is.

We released the budget and economic projections, well, last year in February and July of 2021. We are working on the next update now to be released next month, in May. And, absolutely, you know, Mr. Chairman, as you said, and I understand that having that update as soon as possible is essential for the work of the Appropriations Committee. You know, the delay in the administration's budget is the challenge for us because we get data from the administration only when they release the budget, so, you know, that set us back some.

So, in addition to that, to the cost estimates and appropriations work, we produce reports on a range of topics, on military pay, estate and gift taxes, infrastructure investment. We did work on lots of different health topics. We had one on the minimum wage last year and many other issues. We have, you know, lots of work in progress. We put out a quarterly report on what we have in the pipeline, so there is, you know, lots of work there.

Looking ahead to next year, the requested funding would allow us to, you know, really keep doing our—fulfilling our mission to support the Congress, right. We would fulfill thousands of requests for technical assistance generally from committees but from others looking for information as they develop legislation.

You know, I suspect we would get about 700—roughly 700 cost estimates, you know, probably more than we did last year. Most of those are to the authorizing committees after bills are reported, scorekeeping reports and estimates for appropriations, and then analytic papers and reports. And then a wide range of other things, you know, blog posts, chart books, interactive slide decks, and much more.

So, in summary, to achieve our goal to be as responsive as possible, CBO requests an increase of \$3.7 million. With your support, we look forward to continuing to provide timely and high-quality analysis to the Congress. Thank you again for your support, and I am happy to take any questions.

[The information follows:]



TESTIMONY

**CBO's Appropriation Request
for Fiscal Year 2023**

Phillip L. Swagel
Director

Before the Subcommittee on the Legislative Branch
Committee on Appropriations
U.S. House of Representatives

APRIL 5 | 2022

Note

Numbers in the text and figure may not add up to totals because of rounding.

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee, thank you for the opportunity to present the Congressional Budget Office's budget request. CBO is asking for appropriations of \$64.6 million for fiscal year 2023. Of that amount, 90 percent would be for pay and benefits; 7 percent would be for information technology (IT), including tools to improve cybersecurity; and 3 percent would be for training, expert consultants, office supplies, and other items. The requested amount represents an increase of \$3.7 million, or 6.0 percent, from the \$61.0 million that CBO received for 2022 (see Figure 1).

The requested budget is based on strong interest in CBO's work from Congressional leadership, committees, and Members. In 2021, the need to analyze large and complex legislation—including the American Rescue Plan Act of 2021, the Infrastructure Investment and Jobs Act, and the Build Back Better Act of 2021—while continuing to assess the course of the coronavirus pandemic and its effects on the economy strained the agency's resources in many areas. In the future, significant legislative initiatives are likely to require additional resources. The budgetary increase that CBO is requesting would enable the agency to be even more responsive to Congressional needs by fully funding the staffing increase that is under way this year and by funding seven new staff members, equivalent to four full-time-equivalent positions (FTEs), in 2023:

- Four staff members to deliver more analysis of health care, climate change, and energy policy issues—areas in which CBO anticipates additional interest and legislative activity;
- Two staff members to support more senior analysts when demand surges for analysis of a particular topic or when additional assistance is needed for a complicated estimate; and
- One staff member to assist CBO's efforts in information technology.

Because so much of CBO's budget is devoted to personnel costs, if actual funding proves markedly less than the proposed amount, CBO will have to reduce the current size of its staff, affecting the agency's ability to be transparent and responsive.

CBO's Budget Request and Its Consequences for Staffing and Output

In fiscal year 2023, CBO will continue its mission of providing objective, insightful, clearly presented, and timely budgetary and economic information to the Congress. The \$64.6 million requested would be used mostly for salaries and benefits for personnel.

Funding Request for Personnel Costs and Consequences for Staffing

CBO requests \$57.9 million for salary and benefits to support 279 FTEs. That amount represents an increase of \$2.7 million, or 4.9 percent, from the \$55.2 million that CBO received for fiscal year 2022. Of the \$2.7 million, \$2.3 million would support staff who were already on board at the end of fiscal year 2022.

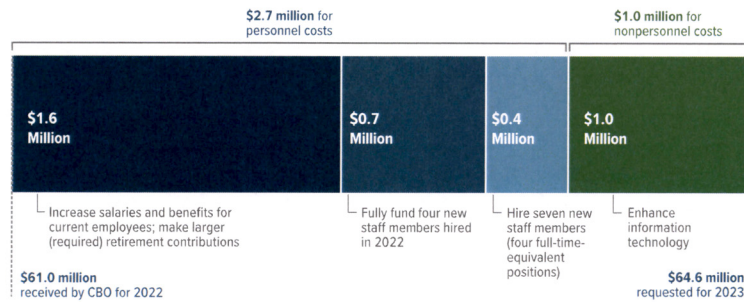
Of the total requested amount:

- \$41.0 million would cover salaries—an increase of \$1.4 million, or 3.6 percent, from the amount received for 2022. The requested increase would fund the hiring of seven new staff members in 2023 and fully fund staff members hired at various times throughout 2022. It would also provide for performance-based salary increases for current staff in 2023 and an across-the-board increase of 4.6 percent for employees earning less than \$100,000. (That group of employees would also be eligible for performance-based increases, whereas employees earning \$100,000 or more would be eligible to receive only performance-based increases.)
- \$16.9 million would fund benefits—an increase of \$1.3 million, or 8.3 percent, from the amount received for 2022. The requested increase would cover an increase in the cost of federal benefits and fund benefits for the seven new staff members.

Funding Request for Nonpersonnel Costs

CBO requests \$6.7 million for costs other than personnel. Those funds would cover current IT operations—such as cybersecurity, software and hardware maintenance, software development, communications, and purchases of commercial data and equipment—and would pay for training, expert consultants, office supplies, travel, interagency agreements, facilities support, printing and editorial support, financial management operations (including auditing the agency's financial statements), subscriptions to library services, and other items.

Figure 1.

Components of Requested \$3.7 Million Increase

Data source: Congressional Budget Office.

The requested amount is \$1.0 million, or 16.8 percent, larger than the amount received for 2022. That funding would, among other things, improve CBO's ability to assess, detect, and recover from internal and external cyber threats; continue to improve computing capabilities for many staff by migrating their workstations into cloud-based systems; enhance users' ability to conduct remote teleconferences; and fund the initial implementation costs of a system that would improve the agency's continuity of operations plans and enhance telework by its human resources staff.

Consequences for Output

The requested amount of funding would allow CBO to produce a great deal of valuable analysis for the Congress, including analysis in areas in which the agency anticipates additional legislative activity (see Table 1). It would also allow CBO to provide more technical assistance and faster turnarounds when demand surges. In addition to the major products shown in the table, CBO will continue to produce other important material, such as slide decks, interactive tools, and blog posts.

CBO regularly consults with committees and the Congressional leadership to ensure that its resources are focused on the work that is of highest priority to the Congress. Nevertheless, the demands on the agency remain intense and strain its resources in many areas. Even with high productivity by a dedicated staff, CBO

expects that it will not be able to produce as many estimates and other analyses as committees, leadership, and individual Members request.

Strengthening Responsiveness

CBO seeks to provide information at the time when it is most useful to the Congress. Depending on its purpose, that information takes a variety of forms, such as cost estimates, background information, and technical assistance. In most cases, CBO completes a formal cost estimate before legislation comes to a floor vote. In addition, the agency works to provide technical assistance, reports, and other information to lawmakers and their staff during earlier stages of the legislative process.

Beginning in fiscal year 2019, the Congress increased CBO's budget in part to allow the agency to implement a plan to strengthen its responsiveness to the Congress. To carry out that plan, CBO has expanded staffing in high-demand areas, such as health care and immigration. It has increased its use of assistant analysts, who can move from one topic to another to support more senior analysts when demand surges for analysis of a particular topic or when additional assistance is needed for a complicated estimate. In addition, CBO is engaging expert consultants in complex areas, such as health policy, economic forecasting, and climate-related research. Finally, the agency is continuing to expand its use of team approaches for large and complicated projects. That approach has

Table 1.

The Congressional Budget Office's Major Products, Calendar Years 2021 to 2023

Type of Product	2021, Actual	2022, Estimate	2023, Estimate
Fulfilled Requests for Technical Assistance. Such requests typically come from committees and Members of Congress seeking a clear picture of the budgetary impact of proposals before they introduce or formally consider legislation.	Thousands	Thousands	Thousands
Formal Cost Estimates. Most include both estimates of federal costs and assessments of the cost of mandates imposed on state, local, and tribal governments or the private sector.	401	700	700
Estimates for Suspension Bills. For bills considered under suspension of the rules in the House of Representatives, CBO provides estimates of the bills' effects on mandatory spending and revenues.	380	400	400
Scorekeeping Tabulations. Those tabulations include account-level estimates for individual appropriation acts at all stages of the legislative process, as well as summary tables showing the status of discretionary appropriations (by appropriations subcommittee) and running totals on a year-to-date basis.	100	100	100
Analytic Reports, Working Papers, and Testimony. Such publications are generally required by law or prepared in response to requests from the Chairs and Ranking Members of key committees. They examine the outlook for the budget and the economy, major issues affecting that outlook under current law, the budgetary effects of policy proposals that could change that outlook, the details of the federal budget process, and a broad range of related budgetary and economic topics in such areas as health care, defense policy, Social Security, and climate change.	79	70 to 80	70 to 80

Data source: Congressional Budget Office.

been particularly effective in enabling CBO to produce timely analysis of legislation involving health care.

CBO's goal is to increase the number of staff with overlapping skills within and across teams. In some cases, those skills will consist of expertise related to particular topics, such as defense or transportation. In other cases, they will be more technical, such as the ability to design and improve simulation models. In a similar vein, CBO plans to invest additional resources in bolstering analysts' ability to coordinate work that requires expertise from across the agency. Another of CBO's goals is to give additional senior analysts responsibility for projects that span multiple subject areas.

The budgetary increase that CBO is requesting would allow it to maintain its efforts to be responsive, particularly in two important areas of analysis. In 2022 and 2023, CBO plans to hire additional staff who will increase the agency's expertise and modeling capability in the areas of health care, climate change, and energy policy—areas in which CBO expects the Congress to show increased interest.

Enhancing Transparency

CBO works hard to make its analysis transparent and plans to strengthen those efforts, building on the increased emphasis that it has placed on transparency over the past several years. In 2022 and 2023, many of CBO's employees will spend part of their time on efforts to make the agency's analysis more transparent.

Testifying and Publishing Answers to Questions

In 2022 and 2023, CBO expects to testify about its baseline projections and other topics as requested by the Congress. That work will involve presenting oral remarks, answering questions at hearings, and presenting written statements, as well as publishing answers to Members' questions for the record. CBO will continue to address issues raised as part of the oversight provided by the House and Senate Budget Committees and the Congress generally.

Explaining Analytical Methods

CBO plans to publish material providing general information to help Members of Congress, their staffs, and others better understand its work. For example, CBO will document a new version of its model for producing

long-term projections, one that can analyze a greater variety of policy proposals more quickly. And CBO will publish working papers and, in some cases, the computer code used in models.

Releasing Data

In 2022 and 2023, CBO will maintain its practice of publishing extensive sets of data to accompany its major recurring reports, including detailed information about 10-year budget projections, historical budget outcomes, 10-year projections for federal trust funds, revenue projections by category, spending projections by budget account, tax parameters, effective marginal tax rates on labor and capital, and 10-year projections of economic variables, including the economy's potential (or sustainable) output.

The agency will also provide details about its baseline projections for the Federal Pell Grant Program, student loan programs, Medicare, the military retirement program, the pension benefit guarantee program, the Social Security Disability Insurance program, the Social Security Old-Age and Survivors Insurance program, the trust funds for Social Security, child nutrition programs, child support enforcement and collections, foster care and adoption assistance programs, the Supplemental Nutrition Assistance Program, the Supplemental Security Income program, the Temporary Assistance for Needy Families program, the unemployment compensation program, the Department of Agriculture's mandatory farm programs, federal programs that guarantee mortgages, programs funded by the Highway Trust Fund, benefits for veterans and military personnel stemming from the Post-9/11 GI Bill, and veterans' disability compensation and pension programs.

Other data will provide details about long-term budget projections, projections underlying Social Security estimates, more than a thousand expired or expiring authorizations of appropriations, and dozens of federal credit programs. When CBO analyzes the President's budget request, it will post a set of files providing estimates of the budgetary effects of specific proposals. Throughout 2022 and 2023, the agency will post the data from various reports' charts and tables.

Analyzing the Accuracy of CBO's Estimates

In 2022 and 2023, CBO will continue to release reports analyzing the accuracy of its past projections of outlays, revenues, deficits, and debt. And the agency will compare

its projections of federal subsidies for health insurance with actual amounts.

Comparing Current Estimates With Previous Ones

In several of its recurring publications—reports about the budget and economic outlook, federal subsidies for health insurance, and the long-term budget outlook—CBO will continue to explain the differences between the current year's projections and those produced in the previous year. In its cost estimates, CBO will continue to identify related legislative provisions for which it has provided recent estimates and explain the extent to which the provisions and estimates at hand are similar or different.

Comparing CBO's Estimates With Those of Other Organizations

CBO will compare its budget projections with the Administration's and its economic projections with those of private forecasters and other government agencies when possible. And in various reports, the agency will include comparisons of its estimates with estimates made by other organizations. In addition, when time does not allow for publication but interest is high, analysts will discuss such comparisons with Congressional staff.

Estimating the Effects of Policy Alternatives

In 2022 and 2023, CBO will update some of its interactive products and release new ones to help users understand the effects of potential changes to federal policies. Reports will also illustrate the potential effects of various policy proposals.

Characterizing the Uncertainty of Estimates

CBO will update an interactive workbook showing its estimates of how changes in economic conditions affect the federal budget. The agency's reports about the 10-year outlook for the budget and the economy, the long-term outlook for the budget, and federal subsidies for health insurance will contain substantial discussions of the uncertainty of CBO's projections. In addition, in any cost estimates in which uncertainty is significant, CBO will include a discussion of the topic.

Creating Data Visualizations

In 2022 and 2023, CBO will provide information about its budget and economic projections in slide decks and create infographics about actual outlays and revenues. And the agency will look for opportunities to include

graphics to enhance the explanations in some cost estimates.

Conducting Outreach

CBO will continue to communicate every day with Congressional staff and others outside the agency to explain its findings and methods, respond to questions, and obtain feedback. The agency's Director will meet regularly with Members of Congress to do the same. After each set of baseline projections is published, CBO's staff will meet with Congressional staff to discuss the projections and answer questions.

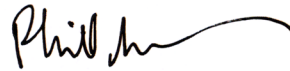
CBO will obtain input from its Panel of Economic Advisers, its Panel of Health Advisers, and other experts. Many reports will benefit from written comments by outside experts on preliminary versions. For some recurring reports produced on compressed timetables, such as the one about CBO's long-term budget projections, the agency will solicit comments on previous publications and selected technical issues to incorporate improvements in future editions.

CBO's staff will give presentations on Capitol Hill—some in collaboration with Congressional committees and the Congressional Research Service—on CBO's budget and economic projections and on other topics. Those presentations will allow CBO to explain its work and answer questions. The agency will also give presentations about its findings and about work in progress in a variety of venues to offer explanations and gather feedback. In addition, CBO will use blog posts to summarize and highlight various issues.

This testimony summarizes information in the Congressional Budget Office's budget request for fiscal year 2023. That budget request was prepared by Leigh Angres, Mark Smith, and Kamna Virmani, with assistance from Angela D. Clark, Ann E. Futrell, Annita Gulati, Theresa Gullo, Leo Lex, Sam Papenfuss, and Stephanie M. Ruiz (formerly of CBO). It is available at www.cbo.gov/publication/57700.

Mark Doms, Mark Hadley, Jeffrey Kling, and Robert Sunshine reviewed the testimony. Benjamin Plotinsky edited it, and Jorge Salazar created the graphics and prepared the text for publication. The testimony is available at www.cbo.gov/publication/57731.

CBO seeks feedback to make its work as useful as possible. Please send comments to communications@cbo.gov.



Phillip L. Swagel
Director



RESPONDING TO CONGRESS

Mr. RYAN. Appreciate that. Thank you.

My question is around transparency and more so responsiveness. We see your multiyear plan here to increase capacity on all of the various issues that you mentioned. But we are, you know, very concerned on this committee—and not just with you. We had this with the GAO earlier—about responsiveness to the Appropriations and to the Budget Committee. So, building on your prior efforts, if you could tell us how the 2022 budget that has been enacted will enable your agency to further increase the timeliness of support for the upcoming 2023 cycle.

Mr. SWAGEL. No, of course. And, in some instances, it has been a continuing effort at the areas in which the Congress is especially working intensively. In healthcare, right, health policy was a focus of both the reconciliation packages, the Rescue Plan Act and Build Back Better, and so the fiscal year 2022 appropriation allowed us to hire more in healthcare, which is already the largest group within the agency and we hired more. We lose some, you know, both to retirements and to, you know, sort of other agencies or the private sector, but we are still expanding.

And so, you know, we are working on coverage expansions, on drug pricing, on Medicare reform and much more. And then energy and climate is the other area where the fiscal year 2022 is allowing us to build, and essentially we are building capacity that, you know, I—whenever climate legislation comes, I want us to be ready for it, and energy legislation as well. And so that is what we are building capacity.

And then the 2022 appropriations allowed us to keep going further on IT, improving our resiliency, improving our cybersecurity, and just working better in the hybrid environment.

Mr. RYAN. Okay. With that, I am going to go to my colleague, Ms. Herrera Beutler.

ACCESS TO AGENCY DATA

Ms. HERRERA BEUTLER. Thank you so much.

Okay. Well, I wanted to ask—there was two questions I wanted to ask. During a Modernization Committee hearing, you noted that the public data doesn't always provide the level of information that you and your team need to complete your reports, and creating data user agreements with agencies and using that information can be hindered because of delays in creating the agreements.

It should be a bipartisan priority, in my mind, to minimize the barriers to your work. So can you speak to how significant this roadblock is to CBO's work and what Congress could do to help ensure that you are getting the information that you need?

Mr. SWAGEL. No, thank you. You know, we obtain data from many agencies, and for the most part it is smooth. You know, a challenge—you know, sometimes the challenge is getting the agreements in place, and we have about three dozen data-use agreements for protected information for nonpublic information, you know, from Census and IRS and other agencies.

You know, one of the challenges we face is that the data generally remain in the possession of that agency. And, before the pan-

demic, our staff would go to, you know, go to Suitland or, you know, to work at the census or, you know, go to the—like Treasury for IRS. In the pandemic, we have arranged for remote use on a temporary basis, and we are working now—as we emerge from the pandemic, we are working to make that permanent. And I am hopeful that we will—you know, we will succeed in that. And, obviously, of course, I would come back to the committee if I face challenges.

I would say, one other challenge is sometimes with just fast-moving information getting information from agencies, you know, it is not a problem; it can just be, you know, they are not working at the same pace as we are. If the Appropriations Committee needs to, you know, know how much money is in an account, well, we—you know, the data that we have access to is generally 2 months old. And so we will have to reach out to the agency to get it, and they are just not always, you know, sort of working at the same speed as the Congress. And so that sometimes can be a challenge as well.

ADVISER DISCLOSURE FORMS

Ms. HERRERA BEUTLER. Thank you for that.

Switching gears a little bit to conflicts of interest, CBO supports obviously the congressional budget process by providing analysis of budgetary and economic issues. And to help inform its work product, CBO makes use of an outside panel of advisers. And because outside experts can have conflicts of interest, CBO requires that your advisers annually submit forms to disclose, quote, substantial political activity and significant financial interest, which is pretty reasonable.

Recently, CBO implemented a mechanism to allow for remote review of these disclosures forms, which I think is good. It is refreshing to see that the public can have the ability now to review these forms, but the access is timed and the forms are not downloadable. And I just wanted to understand the reasoning behind the process being implemented the way it is and to see if there is an effort to improve that accessibility and transparency. Are there any future plans to put the forms online?

Mr. SWAGEL. Okay. No, no, thank you. And as you said, the panel of outside advisers is important to us, that we get advice. And so, for example, recently we had a meeting with some of the advisers on what is happening with interest rates and inflation, which is just, of course, a vexing problem for the Nation, but it is—for us in the budget, you know, it has an important impact on, you know, both revenues and spending. And so we do rely on the expertise.

We are trying to balance the burden on them of the disclosure against, you know, of course, the importance of the transparency. So, when the system disclosure was set up, it was patterned after what the disclosure for congressional staff, and it is through the—is the House Legislative Resource Center. And so they are available, you know, to the public on request.

During the pandemic, we put them online instead of just in person, as it was done before the pandemic. You know, to be honest, I am not sure what we are going to do after the pandemic. We are

just—we are sort of coming to grips with that now as we transition back to in person. It has worked. I mean, it has worked having them available electronically.

You are right; we haven't let people download, but we understand that, you know, people have, and so, if it is not on the screen, people can, you know, take a snapshot and have the information. So we are going to keep thinking about that, you know, as we emerge from the pandemic.

Ms. HERRERA BEUTLER. Sounds good. Thank you so much.

I yield back, Chairman.

Mr. RYAN. Thank you, Ms. Herrera Beutler.

Next is the distinguished gentlelady from Massachusetts, Ms. Clark.

STAFF RETENTION AND CHILDCARE

Ms. CLARK. Well, thank you, Chairman from Ohio and our ranking member from Washington.

Director Swagel, it is really good to see you again. Thank you for being here. And, before the pandemic, we had a chance to talk about some of the issues you were having with losing staff to the private sector. We know this is unfortunately not unique to CBO, but you know how critical your mission is to how Congress functions.

And you raised the issue that childcare is one of the real concerns for CBO staff and that they are at the bottom of the list for the childcare center, making it difficult to access affordable childcare. And you had mentioned that you were going to be conducting a survey, and I wondered if you could provide an update on the status or the outcomes of that survey, and anything in particular that your budget justification reflects those needs of staff?

Mr. SWAGEL. Okay. No, no, thank you. And it is—it remains a key issue for us, and it is something we have thought a lot about, you know, both with the, you know, ongoing childcare needs and then also, during the pandemic, you know, just the particular difficulties that our staff with young children face and sometimes continue. You know, parents of ages zero to 4, they are like the—you know, a little bit left behind yet in the pandemic.

And, you know, I realize it is a capacity issue for all congressional staff, but, you know, as we come back from the pandemic, it would be enormously helpful, you know, increase support for childcare, you know, for the entire campus. And I am not looking for CBO to jump ahead of anyone else, but, you know, we would use it, and that is really the result of our survey.

And, of course, we did a lot of work on childcare for the Build Back Better plan, and so we have lots of analysis about what childcare would do, you know, to parents, and it is a microcosm of our issue.

And then the budget request would help us, in some instances, as we emerge from the pandemic, we are coming back in person, but we are going to have more flexibility in a hybrid environment. And the budget request would support that. You know, the IT support that we have requested would really let us work better in a hybrid environment. You know, I think especially it would be helpful for parents with young children.

STAFF PAY

Ms. CLARK. That is great. And—yes, and I personally appreciate the CBO's work on the childcare and how often I asked and how great your team was to work with.

Your budget justification also includes a pay increase of 4.6 percent for staff making under \$100,000 a year in addition to performance-based salary increases. This is nearly double your fiscal year 2022 request, and I just wondered how you got there. Is this tied into some of your survey and results and retention issues?

Mr. SWAGEL. Yeah, no, thank you. You know, it is partly that, and it is partly our projection of inflation, you know, for next year, which, you know, in some instances, like I said before is one of the challenging aspects of the macro environment now. And so that is what the—you know, the 4.6 percent, you know, as you said is for staff making less than \$100,000 and, you know, some considerably less than that. Anyone making more than \$100,000 gets performance increases only. You know, there is no across-the-board raise. And it is, as you said, it is for retention. I mean, essentially every CBO staff member took a real wage cut this year just because inflation outpaced, you know, our pay increases. You know, it was just a fact of life. And so we are hoping to, you know, make back up some of that ground—we are not going to fully make it back up—and then have money to target, in some instances, to target—you know, to target especially high-achieving staff.

COST ESTIMATES

Ms. CLARK. That is great. And I will sneak one in real quick here at the end. I know that your number of formal cost estimates to Congress has continued to decline. I wondered if you had any recommendations for offices looking to determine the cost estimates of their legislation when they are unable to obtain a score from the CBO.

Mr. SWAGEL. Yeah, you know, it is a challenge. In some instances, it is a challenge in two ways, that—as you said, the number of formal cost estimates we provided last year was lower than in the past, you know, 400 or so as opposed to 700 or 800 in the past. And in some ways, it is a reflection of the legislation that we were dealing with.

So, you know, the three major packages, ARPA, the IIJA—I was about to say the BIF, but, you know, everyone knows the infrastructure package, and Build Back Better. I mean, Build Back Better was over 200 pages of cost estimate. That counted as one.

And so, in some instances, it was just, sort of more complex legislation where we are going back and forth, and then there is more suspension bills where we don't do a full cost estimate, you know, we will just put up a PAYGO table.

Looking to this year and into the future, it seems like we are not going to have those same kind of massive legislation, and we will be more—you know, I suspect we are going to have just more cost estimates and little bit back to normal.

I am sorry. I apologize for going over. For Members not being able to get a cost estimate from us, it is really a challenge. And, you know, in healthcare especially the work is so complex, and we

are doing so much work for the committee chairs that we are just not able to produce cost estimates, you know, for Members other than the, you know, committee chairs and ranking members.

We provide technical assistance and we will help Members develop the legislation, but almost always we just cannot get them a regular cost estimate. And I just—I don't have a solution. You know, I just don't—I don't think I could add enough people in healthcare to, you know, to do cost estimates for everyone.

Ms. CLARK. Thank you so much.

Thank you, Mr. Chairman.

Mr. RYAN. Thank you. Next is the distinguished gentleman from Nevada, Mr. Amodei. Mr. Amodei tends to appear and disappear periodically. He is the magic man.

We will go next, Mr. Newhouse.

ADDRESSING STAFFING NEEDS

Mr. NEWHOUSE. Ah, thank you, sir, Mr. Chairman.

Good afternoon, Mr. Director. Thanks for being with us today. Good to see you again.

So, looking at your staffing report, part of your request you talk about having, I think, something over 200 analysts that have expertise in a whole host of policy areas, certainly they score bills and make assessments. You may or may not know, but in my real life, I am a farmer, and so certainly many of the priorities that I have in Congress fall within the agricultural or the food space, so to speak.

So I am just curious, out of all of those 205 or so analysts, how many of them specifically have policy expertise in the agricultural or food-related areas? And as we approach another farm bill in 2023, do you intend to hire any new analysts in order to have the necessary expertise?

And I guess it kind of leads to another even bigger question: I can't think of a great example, but as you handle kind of a cyclical demand for information, for instance, in a case of a farm bill, you know, what is your—how do you address that need for or increased—need for demand of information, and then it may taper off after a bit?

Mr. SWAGEL. No, it is a great question. And it is—so I took over as director in June of 2019, and so I have not yet gone through the farm bill, which I know is a major undertaking, and CBO provides, you know, a huge amount of support. We have a dedicated group that focuses on, you know, on USDA and on ag issues. And, for example, every year, we convene a meeting of government experts on farm prices, and then we go essentially commodity by commodity on farm prices, and we host that.

And so there is a sense in which we maintain that underlying expertise going forward. I am sorry; I don't know—I am just—I am trying to think of the people on the other end of the hallway here—how many focus on ag issues. It is not a huge number, but then we have others, for example, you know, with crop insurance, we have a group that does financial analysis, and they contribute to the work on, you know—this is cost estimates relating to farm insurance—to crop insurance, rather.

So it is—yeah, I am sorry; I don't have the number. But, in some instances, you know, that is part of the strength of the organization is the flexibility. And so we have people, you know, by area, you know, by topic like ag, and then we have by function, like financial analysis, and bringing those two groups together.

Mr. NEWHOUSE. So they kind of cross over?

Mr. SWAGEL. They do, yeah. Yeah.

Mr. NEWHOUSE. Okay. And maybe you don't know the exact number. It is not a large number, but I am certain it is the cream of the crop of your staff, so—well, thank you very much. Appreciate that.

Mr. Chairman, I will yield back the balance of my time. You are muted, Mr. Chairman.

BASELINE COMPLETION

Mr. RYAN. I knew that. I knew that.

I would like to ask when the baseline will be completed.

Mr. SWAGEL. Yeah.

Mr. RYAN. Because we need that quickly for us to get moving here. So can you give us some kind of idea when that is going to be?

Mr. SWAGEL. Yeah. So, I will give you, you know, two dates. You know, one is for the, you know, the final report. That is late in May, but we are aiming to transmit the information that the Appropriations Committee needs, you know, no later than May 4.

Now, if I can shave any time off of that and get it to the committees, you know, both the House and Senate, before then, I promise you the staff directors from both sides have explained to me in detail how important it is to have that information as soon as possible. And I have promised them that I will be in touch essentially, you know, weekly, you know, with updates if we can get our work done any sooner.

Mr. RYAN. So you understand the urgency.

Mr. SWAGEL. I do. I do. I absolutely do.

Mr. RYAN. Okay.

Mr. SWAGEL. Yeah.

Mr. RYAN. Great.

Distinguished gentleman from Hawaii, Mr. Case.

CBO SCORES AND TIMING

Mr. CASE. Thank you, Mr. Chair.

Director, we have, what is in my view—I won't blame it on anybody else unless you want to join me—a pretty disturbing trend or temptation towards bringing very large bills up for votes, especially on the floor, unscored by CBO, no CBO score. We certainly had that discussion last year, and your team was incredible in terms of actually scoring Build Back Better.

We see another example of that this week where we have got a bill that is at \$55 billion, as far as I understand it, that may well be headed to the floor without a CBO score. And I am not asking you to weigh in on the merits or demerits of that. I am sure you have your view, but I am not going to engage you in the tug of wars over that. But I am going to ask whether there are mechanisms to at least remove the urgency of time to get a CBO score,

at least minimize it, to get some kind of a sense? Like is there such a thing as a mini CBO score or a preliminary score? Or for that matter, are you asked routinely to score bills going into markup in committee as opposed to once a markup is finished?

Now, I understand you have to fine-tune it after a markup—that is an obvious one—before you get to the floor. But, I mean, I am looking for some ways, if the reason—if the true reason for some of these bills coming to the floor without a CBO score is some perceived need for speed, then, you know, number one, can you meet it? And, number two—and I am sure the answer is you are going to say, yes, we can, under most circumstances—but, number two, is there some way to get ahead of that so that we can at least get a better sense of the budgetary implications of some of these very, very large bills, especially over time?

Mr. SWAGEL. Yeah. It is something we think a lot about is trying to balance that, you know, the speed and responsiveness, you know, against completeness and accuracy. And, you know, like I said before, for Build Back Better, we arrived at this new way of doing it by putting out the cost estimate, you know, incrementally, you know, essentially, you know, one title or a couple titles at a time.

You know, a lot of times with the big, complex legislation, we are working bilaterally with the authorizing committees or sometimes with the leadership or multiple committees, you know, back and forth. You know, we call that technical assistance before the legislation is public. And so the authors of the legislation or the, you know, the members and staff developing the legislation will have a broad picture of the cost and maybe they will fine tune it. You know, they will give us a draft. We will say, you know: Look, it does this. We are not sure that is your intent.

And, obviously, it is up to them, and say: Look, here is the cost, this provision, you know, it seems to cost more than you probably had in mind, and here is why.

And they will fine tune it. So there is often a lot of back and forth, but until the legislation is public, we don't put out the cost estimate and provide the broad information. And so that, in some instances, that is the challenge that we face.

And just the last part of the answer is, for some legislation, and this goes back to 2020, the CARES Act, you know, the third of the COVID responses, you know, it just came too quickly, and we just did not have the ability to, you know, to have the cost estimate. I think we had it 2 or 3 weeks later just because some of the provisions in there were complex.

You know, so sometimes we just can't get it. But that—I am sorry, so let me just recap. You know, a lot of times, we will have partial information or preliminary information just not in the final public bill, and that is why it is not distributed more broadly.

Mr. CASE. But, I mean, it could be distributed if they had, you know, a million caveats on it, like assuming this, then this, then—if you don't change this provision of the bill, then this. And so those efforts are, you know, ongoing during bill development. I presume that people who are putting the bills together want to know what the costs are and the budgetary implications of various options in the bills, right? So you are working those things along the way, and

that information could be public as opposed to getting to, you know, the final stamp of approval, CBO score?

Mr. SWAGEL. Right. No, no, that is right. And, you know, again, generally that information is going on a bilateral basis to, you know, generally the committees and the committee staff.

Mr. CASE. You mean parallel. I mean, I guess, is that what you are saying, like bilateral versus as in budget versus authorizing, or like you are going down the road at the same time they are going down the road?

Mr. SWAGEL. Yeah, exactly. So it is going—you know, say health legislation being developed, we will be working with, you know, say Ways and Means, you know, if it is in their jurisdiction, and we will be providing them feedback in the Senate, say the Finance Committee, you know, we will provide them, you know, initial information. It is not like a ballpark score, but maybe it is on some pieces of their legislation—

Mr. CASE. Right.

Mr. SWAGEL [continuing]. And they will fine tune it.

The childcare in Build Back Better had that same quality to it, that, you know, they had a certain allocation, and we worked—you know, again, they were in charge, but the committee would fine tune the legislation, and we would provide additional information on the cost and, you know, impact, number of children, number of States.

Mr. CASE. Okay. Great. Thank you so much. I yield back.

Mr. RYAN. Thank you, Mr. Case.

The gentleman from Nevada, Mr. Amodei.

Mr. AMODEI. Thanks, Mr. Chairman. I yield back.

Mr. RYAN. That was the most insightful questioning you have had on this committee in years.

Mr. AMODEI. Thank you for the compliment, and I will make sure and note that for the record.

Mr. RYAN. The gentleman from New York, Mr. Espaillat.

CBO SCORING OF IMMIGRATION PROVISIONS

Mr. ESPAILLAT. Sorry not to be able to accommodate you in such a distinguished way, Mr. Chairman, but I do have some questions. Thank you.

Yes, Director, the CBO scoring of immigration provisions in the past reconciliation bill, my first question, on November 2, 2021, the CBO score plan A of the immigration provision that my colleagues and I fought very hard to secure in the Build Back Better initiative, CBO estimated that these immigration provisions would have cost the U.S. Government about \$124 billion over 10 years, which violated the Senate Budget Committee's fiscal year 2022 budget resolution, which would have capped the deficit of the provisions at \$107 billion over 10 years.

According to the methodology published, the CBO predicted that a majority of the immigrants that would be legalized through this provision would, in fact, be using Federal social safety net programs, such as Medicaid, Medicare, Social Security, et cetera.

Why didn't the methodology include data from Federal agency or think tanks to include or consider how granting citizenship to these undocumented individuals would have allowed for greater access to

education and work opportunity, thus a significant positive impact to the Nation's economy and the tax space?

Mr. SWAGEL. No, it is a great question. It is something we think about a lot. And you are absolutely right that—you know, again, this is not a normative response. The CBO has no opinion on the legislation, but it is absolutely right that legalization, you know, bringing people out of the shadows, you know, they would have a leg up and a ladder up to improve their skills. Their children, you know, in the same way, would have greater opportunities. You know, some of the children, of course, are citizens in the first place, but ones who are not.

And so there would be long-lasting effects. Those effects generally come, you know, in scale outside the budget window. And inside the budget window, the challenge for us is that we include the economic contributions of people who are here already. And so, you know, the legislation that you referred to in the reconciliation would have provided access to, you know, social benefits, we already had the economic contributions of the people, and so—of people who were here already. And, in some instances, that was the challenge for the legislation is that we had—you know, we counted already.

Mr. ESPAILLAT. But if you had the contributions to the people that were already here, why wasn't that included in the formula to offset the difference that basically torpedoed the initiative, because that was the reason why it was shot down in the Senate because of the discrepancy in the 10-year period of \$124 billion versus \$107 billion?

Mr. SWAGEL. No, no, that is exactly right, and I understand, yeah, the dynamic. And, in some instances, because we had that already, the legislation did not, you know, add an increment to that. Maybe the best way to think about it is there was previous legislation, before I was Director of the CBO score, as having a massive economic positive, and we did a dynamic score, you know, for immigration, that more immigrants would mean a larger labor force, a larger economy, that would mean higher incomes, and that would feed back into positive revenues. So it wouldn't pay for itself, but it would have a meaningful positive for the economy. And that was bringing new people in.

And whereas this one in contrast was the people were already here so we already had their economic contributions, and that is why the legislation, in some instances, it didn't—you know, it didn't give those additional positives. And, again, you know, that is not a normative comment, and there is so many contributions of immigrants. It just didn't have the new ones in ways that we didn't have already, and that is why we couldn't include it in the—

Mr. ESPAILLAT. Well, I look forward to working with you in the future to address this particular issue as it sort of like contributes to the narrative that immigrants come in to milk the system as opposed to getting up very early in the morning and taking care of our frail, elderly, cutting our grass, taking care of our kids, delivering food to our houses, and doing all the things they did during the pandemic for us to stay alive.

So thank you, Mr. Chairman. I yield back.

Ms. WEXTON. Mr. Chairman, you are muted, but I assume you are calling on me. I am not sure.

Mr. RYAN. Sorry. Ms. Wexton, the distinguished gentlelady from Virginia.

Ms. WEXTON. Thank you, Mr. Chairman and Ranking Member.

And, Director Swagel, it is great to have you back with us today. You know, I enjoyed reading your bio, and I saw how your professional progression went from the lesser institutions than the University of Chicago and Northwestern to the University of Maryland. I am very pleased that you elevated yourself to work at the University of Maryland, of which I am an alumna.

Mr. SWAGEL. Yes.

Ms. WEXTON. And then eventually reaching your highest and best use as Director of CBO, so it is great to have you with us and delightful to have you back in front of our committee again.

So most the questions that I had have already been answered, but I would like to follow up just briefly on a couple of the questions from Mr. Espailat, because I am curious, you know, when you say that they were already getting their economic benefit of the people who were undocumented into the economy, what about like is there a way that you can score for the fact they would instead be paying taxes that would be, you know, there would be payroll taxes, there would be FICA, there would be all the Medicare taxes and everything associated with their employment? I mean, can you account for that?

Mr. SWAGEL. Yes, so we do have some of that. And, of course, absolutely, people—immigrants pay taxes, including undocumented immigrants. They pay sales taxes. As you said, they pay FICA. You know, if they are legalized, they come on the books, they might pay some, you know, additional FICA, and, you know, we try to analyze that. You know, the scale of that increment is still pretty modest, you know, against the cost, and that is essentially what shows up in our estimates.

Ms. WEXTON. So you have to assume that every single one of them would take advantage of public benefits, or do you do it based on like the regular population?

Mr. SWAGEL. Yeah, we do it based on—essentially, we try to drill down into the population of who would gain legal status. And so, you know, we go by, you know, by the age distribution and male, female, and so on, and, you know, different ages especially get different benefits.

TELEWORK AT CBO

Ms. WEXTON. Okay. I see. And then, back to the issue of the employees at CBO and what you are doing in terms of telework, and you had indicated in your earlier testimony that you guys were looking at a maximum telework or having a hybrid model going forward, I guess. And when you appeared before us last year, you said that you were surveying the workforce there to determine whether they wanted to continue with remote employment and stuff like that. Can you tell us what the results of that were? I would assume that people like the flexibility of the remote option.

Mr. SWAGEL. Yes, that is right, and people did. It has been interesting, they still want to come back, you know, for the most part.

And so we are going to end up about 2 and a half days a week on average in the office, you know, for required in the office, and we will have a concept of core days. So Tuesdays and Wednesdays, you know, essentially the entire staff, you know, with the exception of, you know, a small number of people who have the option to remote work, you know, essentially 100 percent of the time.

But we will have 2, you know, 2 and a half days on average when everyone is here, and then the other days, there will be flexibility. And it seems like that is a good balancing act. And we are phasing that in, you know, over time, so by July, you know, I think we are going to be back at that equilibrium.

Ms. WEXTON. You haven't seen any impairment of the work product as a result of the teleworking, have you?

Mr. SWAGEL. You know, being in person is definitely better. We have fulfilled our mission, so I feel like we have done our job. You know, there have been times, like for Build Back Better, you know, sort of the end of Build Back Better, we were in person. I mean, there were just dozens of people, and, you know—

Ms. WEXTON. Right, because you can't have that collaboration as much when you are working remote, that is for sure.

Mr. SWAGEL. Yeah. Yeah. So I am looking forward to being in person. Actually, just today I met a staffer who has been here for 2 years. I met her in person for the first time, and she was just so excited to be back, so we are looking forward to that.

Ms. WEXTON. Wonderful. Great. Well, thank you so much, Director. I don't have any more questions. But before I go, before I yield back, I do want to just indicate that I really appreciate all your work on childcare and your comments about how it would benefit your workforce and the entire campus really. So thank you very much.

Mr. SWAGEL. Thank you.

Ms. WEXTON. And, with that, I will yield back, Mr. Chairman.

CHAIRMAN RYAN CLOSING REMARKS

Mr. RYAN. Thank you, Ms. Wexton.

And that is going wrap it up for us. Thank you so much for all your good work, and please let your team know how much we appreciate it. We know it is not an easy job, but we do want to push on getting those numbers to us as soon as humanly possible. So thank you so much for your time and service to your country.

And, with that, this hearing is adjourned.

Mr. SWAGEL. Thank you.

Congressional Budget Office
Nonpartisan Analysis for the U.S. Congress



**ANSWER TO A QUESTION
FOR THE RECORD**

Following a Hearing on
**CBO's Appropriation Request
for Fiscal Year 2023**

Conducted by the
Subcommittee on the Legislative Branch
Committee on Appropriations
U.S. House of Representatives

MAY 12 | 2022

On April 5, 2022, the Subcommittee on the Legislative Branch of the House Committee on Appropriations convened a hearing at which Phillip L. Swagel, the Congressional Budget Office's Director, testified about the agency's appropriation request for fiscal year 2023.¹ After the hearing, Congressman Case submitted a question for the record. This document provides CBO's answer. It is available at www.cbo.gov/publication/58096.

Congressman Case's Question About Adding Debt-Service Costs to CBO's Cost Estimates

Question. The national debt has ballooned in recent years, and while Congressional Budget Office (CBO) scores attempt to estimate the effect of legislation on the debt and deficit, it does not consider the costs of carrying the debt costs (interest). This leads to a limited understanding of the true cost of legislation.

What resources would be required to add debt servicing to CBO's existing scores? On average, how much would CBO scores increase should the cost of servicing the debt be added to scores?

Answer. By long-standing convention, CBO does not include debt-service costs in its cost estimates. In most cases, inclusion would be feasible and require few additional resources. However, for some kinds of legislation, such as legislation that affected a credit program, calculating such costs would be less straightforward.

In general, the amount of a bill's debt-service costs would depend on the timing of the change in deficits resulting from the bill over a 10-year period. The closer the change in deficits was to the beginning of the period, the larger the effect on the debt-service costs would be. For example, on the basis of CBO's current economic forecast, increasing deficits (and therefore debt) by \$100 million in 2023 would result in additional interest outlays of \$27 million over a 10-year period in CBO's projections. By contrast, increasing deficits by \$10 million per year for 10 years, for a total of \$100 million, would be projected to result in additional interest outlays of \$15 million over the 10-year period.

CBO provides an interactive tool on its website so that Members of Congress and their staffs can calculate debt-service costs.² Although the results do not constitute an official CBO estimate, they approximate the results that CBO would produce if the agency adjusted an estimate of the cost of legislation to account for debt service.

1. See testimony of Phillip L. Swagel, Director, Congressional Budget Office, before the Subcommittee on the Legislative Branch of the House Committee on Appropriations, *CBO's Appropriation Request for Fiscal Year 2023* (April 5, 2022), www.cbo.gov/publication/57731.

2. See Congressional Budget Office, "How Changes in Revenues and Outlays Would Affect Debt Service, Deficits, and Debt" (interactive tool, February 2021), www.cbo.gov/publication/56993.

TUESDAY, APRIL 5, 2022.

CONGRESSIONAL WORKPLACE RIGHTS

WITNESSES

TERESA M. JAMES, ACTING EXECUTIVE DIRECTOR, OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

JOHN D. UELMEN, GENERAL COUNSEL, OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. The committee will come to order. This hearing is fully virtual, so we need to address a few housekeeping matters. Members are responsible for muting and unmuting themselves. For the purposes of eliminating inadvertent background noise, the chair or staff designated by the chair may mute participants' microphones when they are not under recognition. If I notice when you are recognized that you have not unmuted yourself, I will ask you if you would like the staff to unmute you. If you indicate approval by nodding, staff will unmute your microphone.

We will begin with the chair and ranking member. Then members present at the time the hearing is called to order will be recognized in order of seniority. We are using the 5-minute clock, which we will adhere to strictly today, which you will notice on your screen. It will show how much time is remaining.

If there is a technology issue, we will move to the next member until the issue is resolved, and you will retain the balance of your time in fairness.

Finally, in regard to adding extraneous or additional material to the record, per House rules, we have set up an email address where members can send anything they wish to submit for the record after seeking recognition for its inclusion. And that email address has been provided in advance to your staff.

I would like to welcome the Acting Executive Director of the Office of Congressional Workplace Rights, Teresa James; and General Counsel of the Office of Congressional Workplace Rights, John Uelmen, to present the fiscal year 2023 budget request.

The Office of Congressional Workplace Rights is responsible for administering the Congressional Accountability Act for the approximately 30,000 employees in the legislative branch. The mission of the office is to continue assisting the legislative branch community in creating and maintaining a workplace that is safe, accessible, and free from discrimination and other unlawful employment practices.

In the last year, your office has worked on education initiatives for the House workforce, including Members, in addition to implementing cybersecurity improvements, necessary IT systems, and network upgrades in line with governmentwide security standards.

You are also working towards full migration of a risk-based management suite.

The upgrades you made in the last year were important factors to ensuring that staff courses on preventing discrimination and harassment, including sexual harassment in the workplace, could be more widely available and managed within the House network. I am encouraged that OCWR continues to work on modernization and look forward to hearing your comments on your request.

OCWR fiscal year 2023 budget request of \$7.5 million is flat with the fiscal year 2022 enacted total and includes an additional full-time employee, full-time equivalent. While 70 percent of your budget goes towards pay and benefits for these employees, you are also enhancing several of your programs. I look forward to your testimony today.

And, at this point, I would like to yield to my colleague, the distinguished lady from Washington State and ranking member, Jaime Herrera Beutler, for any opening comments that she would like to make.

OPENING STATEMENT OF RANKING MEMBER HERRERA BEUTLER

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

And welcome, Ms. James.

The Office of Congressional Workplace Rights fiscal 2023 request is \$7.5 million dollars, which is the same as your 2022 enacted level, which I don't think we have seen that yet. OCWR is an independent, nonpartisan office that ensures that the congressional workplace is safe, free from discrimination, and accessible to the public.

And, in addition to your regular work in administering the Congressional Accountability Act, your office has also recently been engaged in discussions regarding staff unionization. Over 25 years ago, OCWR drafted regulations on how staffers could unionize, and then this year you dusted off that language and confirmed that the regulations as drafted would still effectively create the legal framework necessary for congressional staff to unionize.

And, as a former congressional staffer, I understand the very unique working situation that staff here face, but I do have several concerns on how this effort is being considered and questions on how it would be implemented. This has also implications that relate directly to your office as the topic presents a resources issue when you are asked to provide briefings, provide certification approval for petitions, and other support to ensure unionization efforts are done properly, and I am curious to just hear your thoughts on that matter.

I appreciate you and the work of your team, your staff to protect the rights of the 30,000 employees on Capitol Hill, to assure access for persons with disabilities, and educating our constituency on the Congressional Accountability Act mandate.

So, with that, Mr. Chairman, thank you and I yield back.

CHAIRMAN OUTLINES PROCEEDINGS

Mr. RYAN. Thank you.

Without objection, your written testimony will be made part of the record. Executive Director James, please summarize your statement for the members of the committee. Once you have finished your statement, we will move to the question-and-answer period. Please begin. The floor is yours.

TESTIMONY OF TERESA M. JAMES

Ms. JAMES. Okay. Thank you, Chairman Ryan and Ranking Member Herrera Beutler, and distinguished members of the subcommittee. On behalf of the Office of Congressional Workplace Rights, I thank you for the opportunity to discuss with you our budget request and justification for fiscal year 2023 and our progress on our ongoing mission to advance workplace rights, safety and health, and accessibility in the legislative branch.

The OCWR is one of the smallest organizations of its kind, yet its mandate to apply 14 workplace and accessibility laws to the legislative branch is extremely broad. The OCWR manages an administrative dispute resolution program to resolve workplace claims arising under the CAA. We investigate, enforce, and resolve matters concerning safety and health, public access, and labor management laws applied to the legislative branch. We provide a program of education and outreach concerning workplace rights and responsibilities, and we advise Congress on whether provisions of law relating to employment should be made applicable to the legislative branch.

To perform this mandate, the OCWR is requesting to remain at the fiscal year 2022 funding level of \$7.5 million with \$2 million remaining available until September 2024. The OCWR is also requesting one additional FTE for fiscal year 2023 to manage the office's program required by the Reform Act, to permanently retain records of investigations, mediations, hearings, and other matters, and to administer the office's records management function and perform other related duties as assigned.

This year marks the 26th year or the anniversary of the passage of the Congressional Accountability Act and the second full year implementing the provisions of the CAA Reform Act. Most of our experience operating under these new reforms was acquired while working remotely as a result of the COVID-19 pandemic, yet we have been able to adapt and meet these challenges.

Confidential advising, case adjudication, and mediation under our administrative dispute resolution program continues in a virtual environment. We continue to provide training and education resources to employees on the Hill and throughout the country via our new website and videoconferencing platforms, such as Zoom for Government.

Our training and education materials are directed to the entire congressional workforce, from Members of Congress and senior staff to entry level employees. They focus on underlying practices and behaviors that can lead to discrimination and create a hostile work environment. And they can be tailored to the needs of specific workplaces and groups of employees.

In addition to these resources, our Office of General Counsel regularly conducts brown bag lunch seminars for the legislative branch community on current legal developments. Moreover, safety

and health and accessibility inspections also continue. And where our inspectors need to be in the physical workplace, they follow guidelines issued by the Office of the Attending Physician and the CDC.

In addition to these responsibilities, we are in the process of administering our second annual workplace climate survey for the legislative branch, as is required by the Reform Act.

Our office also has taken action to implement new laws under the CAA, such as the new provisions of the Family and Medical Leave Act that grant paid parental leave to legislative branch employees and the Fair Chance to Compete Act, which places restrictions on employing office's ability to request criminal history information from job applicants prior to extending a conditional offer of employment.

Although implementing the Reform Act began in fiscal year 2019, many initiatives will require ongoing funding in fiscal year 2023 and beyond. For example, the OCWR's secure e-filing system requires continued cybersecurity upgrades and design modifications to assure information security and confidentiality. Online training and educational models must be developed and continually updated to reflect changes in the law. And the legislative branch climate survey will require ongoing funding to administer every 2 years as mandated by the Reform Act.

In sum, our fiscal year 2023 budget request focuses on supporting the OCWR's statutory functions and assuring the delivery of services to the congressional community. Additionally, funding will be supported on unanticipated increases associated with continued implementation and administration of changes set forth in the Reform Act.

I thank the members of the subcommittee for their unwavering support for the critical work that we do, and the privilege of your time, and I look forward to answering your questions.

[The information follows:]

Statement of
Teresa M. James, Acting Executive Director
Office of Congressional Workplace Rights
Before the Subcommittee on the Legislative Branch,
Committee on Appropriations, United States House of Representatives
Fiscal Year 2023 Budget Request
April 5, 2022

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Legislative Branch Subcommittee, thank you for allowing me the opportunity to submit for the record this statement regarding the budget request for FY 2023 for the Office of Congressional Workplace Rights (OCWR). On behalf of the Board and staff of our office, I would like to express our appreciation for this Subcommittee's continued support of the OCWR and its mission to advance workplace rights, safety, and health for employees in the legislative branch, and accessibility for members of the public. This year, the OCWR is requesting to remain at the FY 2022 funding level of \$7,500,000, with \$2,000,000 remaining available until September 30, 2024. The OCWR is also requesting one additional FTE.

The OCWR's Statutory Mandate

When Congress enacted the Congressional Accountability Act (CAA) in 1995, it made a promise to the American public that it would abide by the same federal workplace, accessibility, and safety and health laws that it applies to private sector employers and executive branch agencies. Congress established the OCWR to administer the CAA and ensure that this promise is kept.

With 31 FTE positions inclusive of a part-time Board of Directors, the OCWR is a very small office with a very broad mission. Our office performs many of the same functions in the legislative branch that are performed by multiple agencies in the executive branch that are charged with enforcing workplace rights, safety, and accessibility laws, including the Equal Employment Opportunity Commission, the Occupational Safety and Health Administration, the Department of Labor, and the Federal Labor Relations Authority. We are responsible for enforcing 14 federal workplace and accessibility laws that cover more than 30,000 employees in the legislative branch, including the House of Representatives, the Senate, the United States Capitol Police, the Library of Congress, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Congressional Accessibility Services, and our own office, among others. We administer the administrative dispute resolution (ADR) process established by the CAA to resolve workplace disputes; we carry out a program of training and education on the laws applied to the legislative branch by the CAA; and we advise Congress on needed changes and amendments to the CAA.

In addition, our General Counsel is responsible for inspecting—at least once each Congress—over 18 million square feet of facilities and grounds in the legislative branch for compliance with the Occupational Safety and Health (OSH) Act, as well as the public areas of all facilities in the legislative branch for compliance with titles II and III of the Americans with Disabilities Act

(ADA). The General Counsel is also responsible for investigating allegations of OSH, ADA, and unfair labor practice (ULP) violations filed under the Act, and for filing and prosecuting complaints of OSH, ADA and ULP violations.

The CAA Reform Act

On June 19, 2019, the new provisions of the Congressional Accountability Act of 1995 Reform Act became fully effective. Focused on enhancing workplace protections and strengthening transparency and accountability, the Reform Act refined the adjudication process, expanded the number of employees covered by the CAA, and dramatically expanded the OCWR's duties and responsibilities. Notwithstanding the challenges presented by the COVID-19 pandemic, the OCWR continues to fully implement the CAA, providing critical services to the legislative branch community.

The OCWR's FY 2023 Budget Justification

The OCWR's budget request for FY 2023 maintains its focus on the OCWR's statutory mandates and on improving the delivery of services to stakeholders in the legislative branch. The requested amount is necessary for the Office's operations, including conducting hearings, mediations, safety and health inspections, unfair labor practice investigations, and ADA inspections, as well as our statutory mission to educate and train the legislative branch community on their rights and responsibilities under the CAA.

Although many of the initial changes mandated by the Reform Act have been fully implemented, ongoing funding will be required to expand on these efforts moving forward, especially with respect to our Information Systems program. For example, the OCWR's secure e-filing system requires continued cybersecurity monitoring and modifications to assure information security and confidentiality. Online educational modules also must be continually updated to reflect changes in the law and to fully discharge our mandate to educate and assist legislative branch offices and employees. New ADR procedures under the Reform Act, such as preliminary review by hearing officers of all claims, affect the costs associated with adjudication of those claims. Moreover, the legislative branch climate survey requires ongoing funding to administer every 2 years, as mandated by the Reform Act.

Approximately 70 percent of the requested amount for FY 2023 reflects personnel costs, including increased compensation and benefits associated with additional staff hired during this fiscal year. The remainder of the requested amount would pay for contract services, including cross-servicing providers such as the Library of Congress and the National Finance Center, and other services, equipment, and supplies needed to operate the OCWR.

Of the FY 2023 requested amount, the OCWR is requesting that a total of \$2,000,000 remain available until September 30, for the services of essential contractors, including hearing officers, mediators, and safety and health inspectors, and for the ongoing costs associated with administering the biennial climate survey of the legislative branch work environment.

Alternative Dispute Resolution Program

The OCWR requests a total of \$450,000 for non-personnel services for FY 2023 for the administration of its ADR program, which represents our best estimate of the costs in the coming fiscal year. The CAA establishes an ADR process that provides employing offices and covered employees a neutral, efficient, and cost-effective means of resolving workplace disputes. We strive to ensure that stakeholders have full access to these ADR procedures. The OCWR enjoys a 100 percent affirmance rate in employment cases by the U.S. Court of Appeals for the Federal Circuit. The OCWR continues to do more with less, maintaining a flat rate of pay for contract mediators, a standardized hourly fee for hearing officers, and rate limitations for other outside service providers.

In any given year, it is difficult to predict the number of cases that will be filed with the OCWR's ADR program, the complexity or duration of administrative proceedings, or the overall costs associated with case processing and adjudication. Recent developments add to the difficulty of making such predictions. Notably, fiscal years 2020-2022 included an unprecedented period of telework in the legislative branch as a result of the COVID pandemic. Although our Confidential Advisor continues to receive inquiries from legislative branch employees at the same rate as before the pandemic began, the fact that most employees are no longer in the physical workplace may have had a significant, albeit temporary, impact on the number of claims filed. Furthermore, recent changes to the law—including the amendment of the CAA's Family and Medical Leave Act provisions to provide paid parental leave benefits to legislative branch employees and the enactment of the Fair Chance to Compete for Jobs Act—may also have an impact on the number of claims filed with the OCWR in the future.

The new ADR process has resulted in an increase in the cost of adjudicating individual claims and will continue to do so. This is because the Reform Act procedures require, among other things, that a "preliminary hearing officer" be appointed at the outset to conduct a preliminary review of every claim filed. Preliminary review did not take place prior to the Reform Act, and a hearing officer was only appointed in those cases that were not resolved during the mandatory counseling or mediation phases, and only if the claimants in those cases requested a hearing on the merits. Our budget justification takes these considerations into account in arriving at our best estimate of the costs for administering this program in FY 2023.

Education and Training Programs

The OCWR is requesting a total of \$260,000 for non-personnel services for FY 2023 for its Education and Training Programs.

The OCWR has a statutory mission to educate and train Members of Congress and legislative branch employees on their rights and responsibilities under the CAA. In FY 2021 and 2022, the OCWR continued to deliver training in person, online, and via video conferencing to legislative branch staff throughout the country. In light of the unique demands presented by the COVID pandemic, the OCWR also created numerous online videos to enhance remote learning, and implemented improved web-conferencing capability for effective, real-time training. In addition

to providing training to employing offices, the OCWR conducted seminars for staff on their rights and responsibilities under the CAA.

The OCWR website at www.ocwr.gov was also completely overhauled. The new site provides enhanced functionality, is fully compliant with the updated accessibility requirements for information and communication technology covered by section 508 of the Rehabilitation Act, and enables easy access to various training modules that inform staff of their workplace rights, including courses on Recognizing and Preventing Discrimination and Harassment, Preventing Sexual Harassment in the Workplace, and Bystander Awareness. The OCWR also added a Web Specialist position to manage the website in-house, eliminating the costs for vendor updates.

The OCWR will require substantial funds in FY 2023 to continue building on these accomplishments, which are vital to our mission to provide stakeholders with current, dynamic, and innovative educational and outreach materials that are tailored to the legislative branch.

Safety and Health and Public Access

The OCWR is requesting a total of \$150,000 for non-personnel services for FY 2023 for its Occupational Safety and Health and ADA public access inspection programs. Since the CAA was enacted in 1995, OCWR occupational safety and health inspections and investigations have led to the discovery and abatement of thousands of serious fire and other safety hazards in House and Senate buildings and around the Capitol. OCWR ADA inspections and investigations have also led to the identification and removal of thousands of barriers to access on the campus.

The OGC initiated investigations in 11 new OSH cases in FY 2021. Four of these cases arose out of the events of January 6, 2021; three pertained to COVID-19 safety protocols; and the others involved asbestos, fire safety, a vehicular fatality, and a series of concerns in a single workplace including hazard communication, air quality, and safety training. The OGC also issued a special report in July, 2021, detailing safety violations by the U.S. Capitol Police in connection with events of January 6, 2021, and issued a citation.

The OGC also provided online resources regarding COVID-19, as well a videoconference presentation regarding returning to work that included pandemic-related safety information, and responded to numerous individual inquiries regarding COVID-19 safety measures in legislative branch workplaces. Despite the lack of an enforceable OSHA standard governing COVID-19 safety in the workplace, the OGC worked with employing offices to ensure that they had appropriate administrative, engineering, and PPE controls in place to prevent the spread of the virus.

The OCWR OGC will continue to work directly with the Architect of the Capitol and other offices on the Hill to provide technical support and develop cost-effective solutions to safety and access problems. Our budget request will allow us to continue to provide the level of expertise and assistance that the community requires.

Information Systems

The OCWR is requesting a total of \$1,112,000 for non-personnel services for FY 2023 for the Information Systems Program. As mandated by the Reform Act, the OCWR successfully implemented its secure online claims reporting and tracking e-filing system. In FY 2022, the OCWR continued to enhance this system, conducting periodic security reviews and testing by an independent assessor to identify strengths, weaknesses, and potential risks to ensure the integrity of its cyber security posture.

In FY 2021, the OCWR also completed the development of the Risk Management Suite (RMS). The new system will be both robust and secure. It will leverage a supported Microsoft platform to better assist OCWR safety professionals and provide enhanced data security. Full integration of the system will occur in FY 2023.

As required by the Reform Act, we have designed and implemented a permanent record retention policy that meets all statutory requirements. To address risks, we are also developing policies, procedures, and access controls for authorized users.

The OCWR continues to utilize the Library of Congress as its service provider for operations, maintenance, and security of the OCWR's IT systems and other support services, such as User Access Management, day-to-day IT Service Desk requests, and hardware and software maintenance. Additionally, the OCWR maintains separate secure data applications that house program-essential information.

To date, the OCWR has spent over \$500,000 updating its cybersecurity to safeguard critical information assets through continuous monitoring, assessing and upgrading in accordance with industry standards. Thus, the integrity of the program depends upon ongoing funding in FY 2023 and beyond.

Additional Services

The balance of the requested amount covers increases in contract services, including those furnished by cross-service providers, such as the Library of Congress and the National Finance Center, and other services, equipment and supplies needed to operate the OCWR.

Thank you very much for providing us with this opportunity to brief you on our FY 2023 budget request. As the Acting Executive Director of the OCWR, I am proud of the work that our highly professional and talented staff members perform every day. We are available to answer any questions or to address any concerns that the Members of this Subcommittee may have.

Teresa M. James

Acting Executive Director

MEMBER AND STAFF TRAINING

Mr. RYAN. Thank you so much. Appreciate it. We are going to jump right into the question and answers.

And I know that you provide program of education and training for Members of Congress and the legislative branch staff, and the request that you have here includes \$260,000 for nonpersonnel services for the education and outreach program. And we would like to understand a little bit better how you are utilizing your funding to adapt the training to the changes within the House work environment over the last couple of years. How have you adapted to training to support a hybrid work environment through the pandemic? Do you feel more people have used the—or attended the training using the online model? And I will let you answer those and—

Ms. JAMES. Thank you.

Mr. RYAN. Go ahead.

Ms. JAMES. We have always trained on the provisions of the Congressional Accountability Act, but it wasn't mandated before the Reform Act. So now we are able to provide training on the Congressional Accountability Act on the process to resolve claims on the protections that are provided to staff. However, we also understand that the House has its own mandated training, and so that is not something that we provide, but that is something that we could provide.

We also do train other instrumentalities on Capitol Hill regarding their workplace rights and protections under the Congressional Accountability Act. And so we modify our training, as needed. Some of the training not only includes the Congressional Accountability Act in those provisions, but we have training on implicit bias, and we recently developed a video, which I believe the House is now sharing on its website, which is fabulous, but that is something that we developed last year.

We also provide training on bystander intervention, so in other words, if you see something, say something. It is ways to constructively intervene, to distract someone, to provide supportive behavior, to report an incident if you see one. Civilian inclusion, we also train on that and on racial equity and how to prevent discrimination and harassment in the workforce, and we continue to develop training. We are working on a module right now on ageism. So, you know, we look at what the substantive provisions of the act are and develop training that speaks to and supports those rules and regulations.

Mr. RYAN. When it comes to the bystander intervention, does the training give the employees the examples that basically coach you up on how to intervene? Is that part of it?

Ms. JAMES. Yeah. Basically, it says, you know, if you see something, you know, if there is something going on in your office and you know that it is inappropriate, you can support someone. You can intervene if you see something. You can tell your supervisor: Hey, you know, I am seeing something that is happening over here and I think you need to say something to someone.

It really is, you know, designed to help people without creating more conflict in the workplace to effectively intervene.

Mr. RYAN. And I am assuming there is a nuance in the training for a supervisor versus non-supervisor. Is that true?

Ms. JAMES. Right. I mean, we want to encourage staff to not—you know, if they see a situation that could be very problematic, maybe they don't want to get involved, and they should go to the supervisor, and the supervisor has the authority to intervene.

CYBERSECURITY RISK MANAGEMENT

Mr. RYAN. In the GAO—switching gears here a bit real quick, the GAO found weaknesses in the project planning oversight system in cybersecurity risk management. Back in February 2020, they made five recommendations to OCWR to address these weaknesses, but as far as I know, there hasn't been any—they haven't been fully addressed.

So what is the status of your response to the recommendations from the GAO? How do you plan to apply the funding that you requested today for this year toward implementing these recommendations? And what would the cost be to fully implement their recommendations?

Ms. JAMES. So we have been working with the Library of Congress and other service providers to ensure that we have addressed all of the issues. I believe we have got a little more time. We are working toward making sure that the systems are as fully safe as possible. And, you know, I am—unfortunately, I lack a certain IT expertise here, but it is something that we have been taking very seriously, and we have been working with the service providers to ensure that all the information is fully protected.

Mr. RYAN. And do you know the cost to fully implement?

Ms. JAMES. I do not.

Mr. RYAN. If not, you can—yeah, if you could get it to us.

Ms. JAMES. We will do that.

Mr. RYAN. Okay. Great.

Distinguished gentlewoman from Washington State, Ms. Herrera Beutler.

RECOMMENDATIONS TO UPDATE THE CONGRESSIONAL ACCOUNTABILITY ACT

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

Let's see, I am going to start with the—well, maybe the shorter one first. Ms. James, last year OCWR's biannual report to Congress was released and contains about a half a dozen recommendations to update the Congressional Accountability Act. Some recommendations include whistleblower protections, providing subpoena authority to aid in trafficking, safety and health investigations, and approving the board's FMLA regulations once they are resubmitted. What processes have been made in the last year toward these recommendations, and what would it take to fully implement all of your recommendations?

Ms. JAMES. Well, I think some of it requires some action on Congress' part. Our board is able to adopt regulations, but Congress has to pass them for them to become effective. And so the 102B report the board, you know, sends every 2 years saying these are our priorities and this is what we are hoping the Congress is able to move forward for us.

UNIONIZATION

Ms. HERRERA BEUTLER. Okay. Thank you.

Switching over to the issue of unionization, until the OCWR recently reviewed the regulations, for almost 30 years, the proposed unionization regulations hadn't been debated, researched, or even seriously thought about on Capitol Hill. Allowing congressional staff to unionize potentially, in my mind, creates numerous conflicts of interest and I think would definitely have an impact on a Member's constitutional responsibilities in terms of influencing how a Member makes decisions about policy.

This I think needs to be carefully thought out before putting anything into action, and so a couple of things: During OCWR's recent review of the regulations, did your team give any thought to the potential conflicts of interest congressional unions could create, and if so, what potential conflicts did your team consider? And then, with these potential conflicts in mind, does OCWR plan to develop guidance on the organization and management of the unions in the House of Representatives?

Ms. JAMES. So, yes, we have guidance, and it is available on our website at OCWR.gov. There are frequently asked questions and other information. We do know that the process would be very complex because of the nature of Capitol Hill. We also understand that, you know, the implementation is going to be something that, as Members, you know, need to run for office every 2 years, that it creates additional issues.

We have with us John Uelmen, who is our general counsel and who deals directly with some of these issues.

I don't know, John, do you want to step in here?

Mr. UELMEN. Well, you know, the only thing I would add is that, you know, the regulations, which are developed and passed by the board, they are largely procedural, and so they have procedures in place. The big question for them, whether there were procedures in place that could address the issues that you are talking about. And so they were satisfied that the regulations that were proposed back in 1996 do have those regulations.

So, essentially, the procedures—

Ms. HERRERA BEUTLER. The board felt like the regulations that were developed in 1997 would address the conflicts of interest. How is that possible considering like, you know, there is a—the whole media world that has changed in that amount of time in terms of communication online and with constituents? The board felt like the regulations were adequately would address all that?

Mr. UELMEN. I think what you are misunderstanding, the regulations—the question for them is whether the procedures were adequate. Those questions are raised in individual proceedings. In other words, if somebody believes there is a conflict of interest, you know, having somebody represented, they can raise that in a representation petition. So the question for the board was whether the procedures in place would be adequate to address questions that were raised, you know, in particular organizing efforts.

Ms. HERRERA BEUTLER. All right. Well, I don't know that I have—I don't have a—see a timer up, Mr. Chairman, so I don't know how much time I have or if I am done.

But I would say, Mr. Uelmen, and maybe Ms. James, that those are things—I didn't understand the answer to that question completely. And if it is hard for me to understand, I would guess that it would be hard for—it is not clear to me even what the answer was there.

So, in terms of addressing this and numerous other questions, I think maybe—I don't know if frequently asked questions on the website is going to do it. I would maybe prefer to have a little bit more detail from you on this to see if you could address those things or if there is more stuff that needs to be done regulatory wise or in law. That is essentially what I am getting at.

So, with that, Mr. Chairman.

Mr. RYAN. Yeah, appreciate it. I mean, I always want to ensure rights. I think we need to look to the House Administration Committee too and seek their guidance as to what the next steps are going to be.

Next is the distinguished gentlewoman from Massachusetts, Ms. Clark.

ADVANCING WORKPLACE RIGHTS AND PROTECTIONS

Ms. CLARK. Thank you, Mr. Chairman.

And thank you, Director James, for joining us.

I wanted to go back to the Congressional Climate Survey that you mentioned in your opening remarks. And I wondered, as you are working on the second biennial survey, were there any findings or trends that you were able to discern from the first survey completed in fiscal year 2021, and how have those findings informed your work to advance workforce rights and protections?

Ms. JAMES. Thank you. The climate survey was quite a lift. The results fortunately were very positive. I think that, you know, we were happy to find that most staffers feel very comfortable in their workplace environment. We are able to take the information and utilize that as we develop training. We will be shortly rolling out the next climate survey. We are required to do this every 2 years, so it will be coming out shortly again for staff. And we encourage them to take the survey, because the more information that we can gather, the more significant the data is. So—

Ms. CLARK. What sort of actions are you taking to increase awareness about the survey?

Ms. JAMES. So, when the survey goes out, staff get repeated messages through their email, and this is all confidential. We don't know—you know, everything has been taken care of sort of electronically where nobody knows exactly who is connecting certain results with what individual. So that is why they get repeated messages saying: Take the survey, take the survey.

We have information up on our website about the survey. We put it out with our newsletters saying: Take the survey. Because obviously the more people who take it, the more reliable the information is. And so, like I said, it should be going out shortly. We are still working with our Oversight Committee on a couple of things, and then this will be going out.

PAID PARENTAL LEAVE

Ms. CLARK. Great. Speaking of promoting awareness, you mentioned the paid parental leave law, the Federal Employee Paid Leave Act signed into law in 2019. Where are you in the process of amending your existing regulations to address these new provisions?

Ms. JAMES. So we have proposed new regulations. You know, as far as we are concerned, the provision is applicable regardless of, you know, the status of the regulations. It is important that we put out again with our newsletters and other informational materials that this is available for staff.

Ms. CLARK. And I noted that, in your budget request, you said you are doing presentations on the topic of paid parental leave to help ensure the legislative community knows their rights. Are there additional ways that you are ensuring staff and offices understand this new law?

Ms. JAMES. Well, the information is available on our website. We include it in our training. So we do have trainers who have been currently, for I guess the last 2 years actually, have been training via, you know, Zoom just to reach the different staff while everybody has been working remotely. But they cover that sort of information in their training as well.

DISCRIMINATION REPORTING PROCESS

Ms. CLARK. Great. One thing that I am hearing anecdotally is reports that staffers do not often see the official complaint process for discrimination or harassment as an option. They think—they have doubts that the process will be worth the result. And so what would you say—I know you have done a lot of work on this area. What would you say to a staffer who is hesitant to engage with the grievance process?

Ms. JAMES. I would suggest that anyone who has a concern about their workplace issues, if they don't feel comfortable approaching their supervisor to say, "Hey, something is going on," that they can always call our office and speak to our confidential adviser. The confidential adviser can give them information about how the CAA applies to their issue and give them information on the process. But they can also talk with them through ways that matters might be resolved without having to go through a complaint process.

If the employee feels as though they are not able to resolve it on their own, they can certainly go through our process. Employees of the House are represented by the Office of House Advocacy, so there are different, you know, offices in the House that can also assist staff.

We serve the broad legislative branch, you know, staff, so including House, we have Senate, Library of Congress, Capitol Police, and others. But we do have a process that is, you know, very friendly to staff to make sure that they understand how to use it.

Mediation is an option under our process. It used to be mandatory. Our board recommends that parties take advantage of the mediation process, and a value to that is that an issue can be resolved by agreement between the parties without the employee having to take their case to court or to a hearing process and prove

that they are victim of some kind of discrimination or that their FMLA rights have been violated.

So it is an opportunity for parties to say: Hey, this is a less-than-ideal situation that we are in, but we think that we can resolve this by an agreement between us.

And so I think that the mediation process really needs to be re-examined as a way for people to promptly resolve their issues.

Ms. CLARK. I see that I am out of time. Thank you, Director James.

I yield back, Mr. Chairman.

Mr. RYAN. Thank you.

The distinguished gentleman from Nevada, Mr. Amodei.

Mr. AMODEI. Thank you, Mr. Chairman. Since you were so complimentary about the last questioning thing, I am going to yield back, except I want to compare your score on this year's training test with mine to see which one of us scored better on the test. Other than that, I yield back.

Mr. RYAN. Thank you.

The gentleman from—distinguished gentleman from Hawaii, Mr. Case.

BUDGETING

Mr. CASE. Thank you, Mr. Chair. I am not going to get into your guys' contest. It sounds pretty difficult.

Ms. James, so I am just trying to understand the budget request. It is a level budget request, right?

Ms. JAMES. Right.

Mr. CASE. Pardon?

Ms. JAMES. Yes.

Mr. CASE. Okay. No increase, but you do talk here about, in your testimony I think it was, about increasing—70 percent reflects personnel cost including increased compensation and benefits associated with additional staff hired. So I guess that implies to me that you are allocating more of a level budget over on the personnel side for those increases and thus reducing it somewhere else?

Ms. JAMES. Well, we are asking to maintain \$2 million to roll over to the next year. We have one FTE open that we would like to fill, so part of it is personnel issues. The other thing is we don't control the number of claims that come to our office or the issues related to investigations that are conducted. So we can't always control the expenditures.

So, if we have people who go to hearing, and hearings can be very lengthy, then we may end up needing to have more money available to conduct hearings, or, you know, as we saw with the January 6 event, we needed money available to be able to, you know, investigate and take a look at any OSHA violations.

So, within our limited budget, and as you see, our budget is relative to many other budgets rather minor, and we do the most with what we have, but we do find ourselves in a situation where we may need money that can roll over to the next year.

Mr. CASE. Okay. Maybe I am getting myself confused. So what exactly is that \$2 million? Because if you have a level budget—I am just kind of going back to my question. If you have a level

budget and your FTEs are staying level as well, are you increasing by—you want to increase by one FTE?

Ms. JAMES. Right, we want to increase by one FTE.

Mr. CASE. So where are you paying for your increased staffing from if your budget is level? What is this \$2 million carryover? Is that where it is coming from?

Ms. JAMES. Contractors. So, in other words, you know, when our cases go up, cases now go through two hearing processes, a preliminary hearing review and then a merits hearing. So, under the new process, it has gotten a little bit more complicated and a lot more expensive. So we don't know if we will have, you know, 30 cases this year or 60 cases this year. We don't know, you know, what will come out of, you know, the general counsel's investigations. We don't know what kind of support he may need if there are any significant issues that occur on Capitol Hill.

Mr. CASE. Is that \$2 million part of the \$7.5 million?

Ms. JAMES. Yes, it is.

Mr. CASE. Okay. That explains it to me. All right. Sorry about that.

Ms. JAMES. Yes, sir.

Mr. CASE. I mean, I guess the question then is, why aren't your FTEs going up? I mean, you seem to have an increased workload. You are being asked to do more, and we see other parts of the leg branch asking for increases in the FTE count. I am not saying you should or shouldn't; I am just asking the question of why you are not going up. Do you just have capacity there already, or you have decided you are going to make do with the FTEs that you have, or the contractors give you some flexibility in terms of stable FTEs?

Ms. JAMES. So the contractors give us some flexibility. We also have staff that work very hard because they wear many hats. You know, we know that FTEs are hard to come by, so, you know, we would love to have five more, but we figure, you know, one more at least is getting us closer to, you know, a manageable situation. But, yes, you know, again, we don't know what any coming year is going to bring, especially as we saw last year.

Mr. CASE. Is there any one part of your responsibilities, like one area of concern, that you just see ramping up faster than you expected or you are projecting it to go up faster because of, you know, external conditions or whatever the case might be? Is there any one area that we should kind of be watching for—or, you know, real pressure on your budget?

Ms. JAMES. The only thing that probably would be the strongest pressure on our budget would be the labor management issues, you know, if we had to, you know, quickly pick up and bring on people and conduct, you know, elections, you know, in hundreds of offices, that might be quite intense.

Mr. CASE. Okay. Great. Thanks so much. I yield back.

Ms. JAMES. Thank you.

Mr. RYAN. Thank you, Mr. Case.

Next is the distinguished gentleman from the State of Washington, Mr. Newhouse.

TRANSPARENCY

Mr. NEWHOUSE. Thank you, Mr. Chairman.

Good afternoon, Ms. James. Thanks for being with us today. I appreciate that.

I just had a couple of questions, and I am sure everybody—we got a copy of your fiscal year 2023 budget request. I am sure everybody on the committee did. However, just a quick search at your website, we couldn't find a similar copy of your request for fiscal year 2023 or any prior years either. So, just curious, for the sake of transparency, would you think it is important to provide that kind of a budget request on your website?

Ms. JAMES. We can certainly do that. There isn't anything—you know, any reason why it is not up there. We have redone our website. We have just redone it recently, so we are still finding where things can be improved, and we would be happy to put that information on the website.

MEASURABLE PERFORMANCE METRICS

Mr. NEWHOUSE. Okay. Good. Just a little thing we noticed that might be helpful.

So, in I believe it was December of 2019, the GAO in their work did a study on your agency's management practices. I am sure you are much too familiar with that. The agency, I understand, that you implemented several of their recommendations, and one of them was that the OCWR identify desired performance results and develop performance measures and report progress toward those results.

Now, your budget request states that you are in the process of finalizing a strategic plan for the years 2021 through 2026, so you are still finalizing that strategic plan, which will include those measurable performance metrics. So two questions: How soon do you think the committee can expect to receive a copy of that report? And then how do you intend to implement changes and make those budget requests if you don't have that final strategic plan?

Ms. JAMES. We do have a strategic plan, and we may be making some modifications to it. But we do have our 2021 through 2026 strategic plan, and that will, you know, guide us in many things. And so we will be reporting on the results of that. Also, I believe it won't be until summer that we will have worked through some of these issues with respect to the findings that you reference.

Mr. NEWHOUSE. So maybe I just misread that, but your budget request talks about the fact that you are in the process of finalizing that plan.

Ms. JAMES. Right. So we hope to have the plan done soon, but it is not done yet.

Mr. NEWHOUSE. Okay. And so when do you think we can get that report?

Ms. JAMES. I would guess sometime in the next couple of months.

Mr. NEWHOUSE. Okay.

Ms. JAMES. Yeah.

Mr. NEWHOUSE. Okay. Very good. Well, thank you again for being with us today. I appreciate what you do.

And, Mr. Chairman, I will yield back.

Ms. JAMES. Thank you.

Mr. RYAN. Mr. Newhouse, yeah, we will be anxious to get that report as soon as we can.

The distinguished gentlewoman from Virginia, Ms. Wexton.
Ms. WEXTON. Thank you, Mr. Chairman.

CONGRESSIONAL CLIMATE SURVEY

And thank you, Ms. James, for joining us here today and for all that you are doing to keep our employees safe and content in their jobs.

So, I guess, you know, one of the things I realize from these committees, the subcommittee, is how a lot of us have the same questions, and for whatever reason, the gentlelady from the Commonwealth of Massachusetts always seems to ask the questions that I have before I come up and get my turn.

But there is one question I would ask about the Congressional Climate Survey that is coming up. How do you decide what questions to put on there? And do you just recycle the same questions from the previous year, or do you base it on what is actually happening on the ground? Or how do you decide what questions end up—

Ms. JAMES. So we do work with our oversight committees, and there is some discussion about the questions and how best to ask the questions and what way is going to clarify what the question is that is being asked so that we make sure that we work with the contractor who has experience in, you know, conducting these kinds of surveys. So it is very important that we have a mixture of the experience that our contractor brings to the table and the experience that we have and our oversight committees have in understanding the environment here in the legislative branch.

Ms. WEXTON. So, for example, this year, as the ranking member pointed out, there is an issue going on with the possibility of unionizing here. So is that something you would ask about in the Congressional Climate Survey, kind of do a little straw poll or to see if people have an interest in it or if they—

Ms. JAMES. Well—

Ms. WEXTON [continuing]. By that?

Ms. JAMES. That may be something that hasn't been finalized yet, so it may be something that we are taking—will be taking a look at as we work with our oversight committees on that issue. If there is some energy in that direction, then we would do so, absolutely.

Ms. WEXTON. I mean, I just think it might be a good idea just because it is a completely anonymous survey, and we could get a good idea after whether there is even an interest among the workforce to do so.

Ms. JAMES. Yeah, that is an excellent idea.

Ms. WEXTON. Thank you very much.

And, with that, I will yield back, Mr. Chairman.

Mr. RYAN. Thank you, Ms. Wexton.

Next is the distinguished gentleman from New York, Mr. Espaillat.

UNIONIZATION

Mr. ESPAILLAT. Thank you, Mr. Chairman.

Thank you, Acting Director James and General Counsel Uelmen.

When Congress passed the Congressional Accountability Act in 1995, it put in motion a process for unionization of congressional staff. Currently, the House of Representatives are now actively considering legislation that would provide for House staff to unionize, and Speaker Pelosi has indicated her support, as well as Senator Schumer in the Senate.

In recent oral testimony by Mr. Uelmen before the House Administration Committee, he raised questions and concerns about insufficient funding for the OCWR in light of the unionization push. The influx of briefings, resources, and information around this topic would present a resources issue for the office, one that could be exacerbated by the large number of offices that could be unionized. And the current system for union approval relies on one person at the OCWR to certify petitions and oversee elections, the executive director of the OCWR.

The OCWR has requested \$7.5 million in budget for fiscal year 2023, which is identical to fiscal year 2022 and 2021. In light of the ongoing unionization efforts, what additional funds would OCWR need to provide a smooth review and approval process for congressional unions should a unionization resolution be approved by the House?

Ms. JAMES. First, let me just say—and, John, please feel free to weigh in here, but, you know, in the House, all the employing offices, each Member is their own employing office. So, at this point, until we know more, until we work and have some experience in this area, we don't know what it is going to look like on the House side.

You know, we know when we have done elections with Capitol Police and others, and they are one, you know, unit of staff who are represented by the union. It would be very different in this Capitol—in the House environment than what we are used to, I think than what many are used to.

John, did you want to add something here?

Mr. UELMEN. Well, that question was posed by CHA, and we did estimate that—to do this expeditiously, because obviously these petitions would have to be moved through—you only have a 2-year term and people who are unionizing. So we were looking at another \$500,000 plus two FTEs to do this, I think, in the manner to—so if it was passed, that is what we would be seeking, I think, to expeditiously handle the petitions that would come through, so—

Mr. ESPAILLAT. So you have a dollar amount in view already to handle this appropriately?

Mr. UELMEN. That is correct.

Mr. ESPAILLAT. Thank you.

Thank you, Mr. Chairman. I yield back.

Mr. RYAN. Thank you, Mr. Espailat. I appreciate it.

Just in the nick of time. They just called votes. So I want to thank the committee. The statutory functions of this office—

Mr. ESPAILLAT. I tried to help you a little bit there.

CHAIRMAN RYAN CLOSING REMARKS

Mr. RYAN. You are doing good. You are doing good.

The statutory functions of this office continue to be vital for the House community and their workplace protections. We appreciate

all your service. Please tell your team how much we thank and appreciate them for their work, largely behind the scenes, to make this the kind of place that people want to work.

So, with that, thank you again for joining us, and the hearing is now adjourned.

Ms. JAMES. Thank you.

WEDNESDAY, APRIL 6, 2022.

**FISCAL YEAR 2023 BUDGET REQUEST FOR THE HOUSE
OF REPRESENTATIVES**

WITNESSES

HON. CHERYL L. JOHNSON, CLERK, U.S. HOUSE OF REPRESENTATIVES
HON. CATHERINE SZPINDOR, CHIEF ADMINISTRATIVE OFFICER, U.S.
HOUSE OF REPRESENTATIVES
HON. WILLIAM J. WALKER, SERGEANT AT ARMS, U.S. HOUSE OF REP-
RESENTATIVES

ACCOMPANIED BY:

ENUMALE AGADA, ACTING DIRECTOR, OFFICE OF DIVERSITY AND IN-
CLUSION
WADE BALLOU JR., LEGISLATIVE COUNSEL, OFFICE OF THE LEGISLA-
TIVE COUNSEL, U.S. HOUSE OF REPRESENTATIVES
DOUGLAS N. LETTER, GENERAL COUNSEL, U.S. HOUSE OF REP-
RESENTATIVES
JOSEPH C. PICOLLA, ACTING INSPECTOR GENERAL, OFFICE OF IN-
SPECTOR GENERAL, U.S. HOUSE OF REPRESENTATIVES
RALPH V. SEEP, LAW REVISION COUNSEL, U.S. HOUSE OF REPRESENT-
ATIVES

OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. I now call to order the hearing on the fiscal year 2023 budget of the House of Representatives.

This is a hybrid hearing so we need to address a few house-keeping issues. For members joining virtually, please be respectful of members in the hearing room and do not talk over them when members in person have been recognized. I will gavel you down if you are like virtually harassing us.

For the members joining virtually, once you start speaking there is a slight delay before you are displayed on the main screen. Speaking into the microphone activates the camera, displaying the speaker on the main screen. Do not stop your remarks if you do not immediately see the screen switch. If the screen does not change after several seconds, please make sure you are not muted. Lessons we have all learned for our million Zoom calls we have done over the past couple of years.

To minimize background noise and ensure the correct speaker is being displayed, we ask that you remain on mute unless you have sought recognition. The chair or an individual designated by the chair may mute participants' microphones when they are not under recognition to eliminate inadvertent background noise.

Members who are virtual are responsible for muting and unmuting themselves. If I notice when you are recognized that you have not unmuted yourself, I will ask you if you would like the

staff to unmute you. If you indicate approval by nodding, staff will unmute your microphone.

Finally, House rules require me to remind you that we have set up an email address to which members can send anything they wish to submit in writing at any of our hearings. That email address has been provided in advance to your staff.

So let's get going.

I would like to welcome the officers and officials of the House of Representatives to present the fiscal year 2023 budget request. Testifying before us today, we have The Honorable Cheryl L. Johnson, Clerk of the House; The Honorable Catherine Szpindor, Chief Administrative Officer; and The Honorable William J. Walker, Sergeant at Arms; and House officials.

Thank you all for joining us today. We welcome you back to our subcommittee.

Before we begin with the testimonies, I would like to thank all of the officers, officials, and their staffs for the extraordinary work over the past year. Through the pandemic, a violent mob of insurrectionists, the reopening of the Capitol complex, and just life on Capitol Hill, you continue to serve this body and provide a host of services that are necessary for us to represent our constituents and do the work that will address our country's critical needs.

The request for the House of Representatives is \$1.8 billion, an increase of \$114.5 million over the fiscal year 2022 enacted level. I would like to note this is a significant increase, 7 percent, over the very healthy increase provided in the fiscal year 2022 budget. With that in mind, I look forward to hearing each of your testimonies.

At this point, I would like to yield to the ranking member, my friend and colleague from Washington State, which is the only State named after a United States President, the distinguished gentlewoman Jaime Herrera Beutler, for any opening comments that she may have.

OPENING STATEMENT OF RANKING MEMBER HERRERA BEUTLER

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman. And we are, in fact, the only State that has been named after a President, the greatest President.

I know that the work that you do keeps us on track. And so a lot of what I wanted to talk about was—well, we will get to it, but I have so many different questions for you. I will keep this brief.

It is a privilege to have you all here. I am extremely pleased to see how well your offices are working with the Capitol Police, with the Attending Physician. You have had no shortage of challenges in the last couple of years and the other legislative branch entities, to open the Capitol complex, to give access to our constituents and visitors in a way that maximizes our safety. It is definitely a new time, but it is energizing I think to see everybody coming back and the opening of services and the food services, as more staff are able to come back to work in the office and tour groups are able to come back to the Capitol.

Thank you for all that you are doing in this reopening effort. We truly, truly appreciate it, and I encourage everything we can do to get to that full opening, which I know is high up on your list.

Your offices have continued to expand and improve your services in a very unpredictable year and a difficult year, from the cybersecurity improvements executed by the CAO and realtime situational awareness of House security vulnerabilities to modernize efforts by the Clerk for easy-to-use, secure, and reliable technology solutions.

You know, what the rest of the private sector, what they are using, we are bringing that into the U.S. House of Representatives. And it will make the House more efficient as well as making access to the information easier for the public, which is incredibly important.

You continue to show ingenuity and flexibility to ensure that the people's House improves its efficiency and transparency while preparing for the future with these modernization efforts that are going to serve the House community for years to come.

So, as the committee evaluates your budget request for fiscal year 2023, there are some substantial increases in here that we are going to need to review. I am looking forward to talking with you about and hearing how you are going to continue to improve the capabilities and the efficiencies of the House of Representatives.

So, with that, thank you so much, and I yield back.

CHAIRMAN OUTLINES PROCEEDINGS

Mr. RYAN. I thank the gentlelady from Washington.

Witnesses, at the beginning of your testimony, please introduce any colleagues that you have that are here that you would like us to recognize.

And, without objection, each of your written testimonies will be made part of the record.

I ask each of you, the Clerk, the Sergeant at Arms, and the Chief Administrative Officer, to summarize your remarks and highlight your efforts of the past year to the committee.

And, after opening statements, we will move to the question-and-answer period, and during the question-and-answer period, we will adhere to the 5-minute rule.

Madam Clerk of the House, Ms. Johnson, we will start with you.

TESTIMONY OF CHERYL L. JOHNSON

Ms. JOHNSON. Thank you.

Mr. RYAN. The floor is yours.

Ms. JOHNSON. Good afternoon. Chairperson Ryan, Ranking Member Herrera Beutler, Members of the Subcommittee, thank you for your support for the Office of the Clerk and for the opportunity to testify regarding our operations and my fiscal year 2023 budget request.

First, it gives me great pride to report to you that throughout the many challenges of the past 2 years, we have successfully fulfilled our duties, supporting the House while simultaneously ensuring the safety of our dedicated staff.

As the Members of this Subcommittee are aware, the work of the House did not slow during COVID. In fact, work performed by Clerk staff measurably increased since the start of the pandemic. I remain immensely proud of our committed staff for meeting the

many challenges they have confronted, even in the face of significant risk to their own health and well-being.

The Office of the Clerk consists of specialized professional staff across nine divisions who support not only House and committee proceedings but also Members and staff directly.

This past year has been particularly busy for our staff. We have continued our longstanding duties, such as maintaining the House Journal, certifying the passage of legislation, transmitting messages and bills to the Senate and the President, providing Member training, managing vacant offices, and performing archival and curatorial services to the House. But in addition to these duties, we have undertaken a number of initiatives to add new services as well as improve existing ones for the benefit of Members, staff, and the public.

The Office of the Clerk quickly implemented new systems and processes in response to new legislative rules born by the global pandemic. We have since worked diligently to further improve and enhance those systems and processes, as they have become heavily utilized.

For example, the eHopper is now the vastly preferred way for Members to introduce bills, with more than 9 out of 10 bills submitted electronically. I am pleased to tell you that we will soon roll out an enhanced eHopper solution with improvements in the experience for you and your staff.

We are continuing the redevelopment and redesign of the Legislative Information Management System, known as LIMS. LIMS is one of the two most important systems which supports the legislative process in the House, with the other being the Electronic Voting System, and the redesign project is one of the largest IT projects the Clerk's Office has ever undertaken.

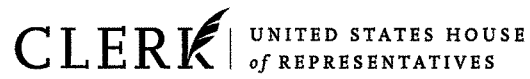
This Subcommittee is also well aware of another IT initiative in our office known as the Comparative Print Project, which will allow you and your staff to create on-demand point-in-time comparative prints between legislative text and between legislative text and current law. We are excited to be nearing the time when we will be rolling this new service out House-wide in the coming months.

I appreciate this subcommittee's ongoing support for the operations of our office. For fiscal year 2023, I respectfully request \$40,327,000 for the Office of the Clerk. This is an increase of 10.48 percent above the fiscal year 2022 enacted funding level.

Eighty-three percent of this funding request will support salaries, training, and technology to carry out existing and new responsibilities. The remaining 17 percent of this request is for non-personnel related expenses: equipment, software maintenance, warranties and contracts, such as closed captioning, exhibition, curation, and stenographic reporting.

Mr. Chairman, Ranking Member Herrera Beutler, Subcommittee Members, the Office of the Clerk is dedicated to making efficient and effective use of funds allocated to our efforts in serving this great institution. Thank you for this opportunity, and I look forward to your questions.

[The information follows:]



**STATEMENT BEFORE THE HOUSE APPROPRIATIONS
SUBCOMMITTEE ON THE LEGISLATIVE BRANCH
ON THE OFFICE OF THE CLERK FY2023 BUDGET REQUEST**

THE HONORABLE CHERYL L. JOHNSON
APRIL 6, 2022

Chairperson Ryan and Ranking Member Herrera Beutler, Members of the Subcommittee:

Thank you for your ongoing support for the Office of the Clerk and for the opportunity to testify regarding our Office's operations and fiscal year 2023 budget request.

It gives me great pride to report that throughout this challenging time, we have continued to successfully support House legislative operations, Committees, and House Members while retaining a protective staffing structure. The Office of the Clerk consists of specialized professional staff across nine (9) divisions who support the House's operations while handling numerous diverse goals and priorities. Their capability, commitment, and energy are critical to the maintenance and modernization of this great institution.

The Office of the Clerk plays a vital role in the daily legislative activities of the House. Clerk staff facilitate Floor proceedings and operate the Electronic Voting System (EVS), manage proxy voting, produce the constitutionally mandated *House Journal*, transcribe Floor proceedings for the *Congressional Record*, process electronic submissions of legislative documents; oversee the recording of votes; upgrade Chamber technology and provide streaming video; prepare messages to the Senate about legislation that has passed the House; read bills, resolutions, amendments, motions, and presidential messages on the Floor; and make legislative activity updates publicly available via the Office of the Clerk's website (clerk.house.gov).

During the first session of the 117th Congress, Clerk staff processed 7,333 bills (with 57,947 original cosponsors and 56,082 additional cosponsors) and supported 712 hours of legislative Floor activity. In addition, we processed 17,318 proxy votes, made all proxy letters available on our website, and provided a quick guide to ensure compliance with H. Res. 8, which authorized voting by proxy. At the same time, we received and processed 6,532 financial disclosure documents, 111,650 lobbying disclosure documents, and hundreds of travel authorization forms, stationery orders, franked envelope requests, and related requisitions; supported all Committees in their use of the Committee Repository (docs.house.gov); and transcribed 7,849 *Congressional Record* pages and 133,665 Committee hearing transcript pages.

Regarding technology innovations, I will provide a few updates. Adopted at the start of the 117th Congress, Section (2)(l) of H. Res. 8 continued to permit Committees to electronically submit reported measures and both legislative and nonlegislative reports, a practice that began in the 116th Congress. Making this simple innovation permanent, which was a Select Committee on the Modernization of Congress recommendation, increased efficiencies and enabled Committee staff to collaborate remotely. During 2021 the Tally Clerks processed 144 Committee reports, 133 of which were submitted electronically.

Related to online submission, Legislative Computer Systems (LCS) staff are working to deliver a new and improved web-based eHopper experience for Members, their staff, and my staff in our Office of Legislative Operations. With integrated help and tooltips,

a step-by-step process will guide Members and staff through bill introduction and cosponsor addition and will ensure that the submission meets all requirements before it is sent to the Bill Clerks. We have scheduled the initial release of the Member application for later this month. We have already received requests from Member offices to provide additional features, such as submission tracking and automatic notification of the number assigned to the introduced bill or resolution after it has been processed. We are adding these items to our product roadmap and future delivery plans.

As I have testified previously, LCS is continuing the redevelopment and redesign of the Legislative Information Management System (LIMS), not only a mission-critical system, but the primary system Clerk staff use to manage House legislative operations, record legislative activities, and provide legislative data to our legislative branch data partners. Nearly all House legislative activities are recorded in LIMS. In 2021 LCS built most of the cloud infrastructure needed to deploy the new LIMS. This cloud infrastructure will be shared with other Clerk applications, such as the Comparative Print Suite and the eHopper. We are implementing cloud operations best practices for high availability, security, and cost management. We have worked closely with our peers in the Chief Administrative Officer's (CAO) organization, including those in the cloud, networking, identity, and Chief Information Security Officer (CISO) business units, to ensure solutions will work seamlessly with the House's enterprise infrastructure and adhere to policies for management, integration, and security. On the horizon are preparation for user-acceptance testing and production deployment for the first two LIMS modules: the Committee Action Reporting System (CARS) and the Bill Tracker Executive Action Reporting System (BEARS).

Another major multi-year initiative is the Comparative Print Project, a suite of software programs that will allow House staff and others to create on-demand, point-in-time comparative prints between legislative texts and between legislative text and the law. Specifically, the Comparative Print Suite displays how a bill might change current law and how two versions of a legislative proposal differ. As part of our pilot program, more than 160 House Committee staff and a small group from the Congressional Budget Office (CBO) and the Congressional Research Service (CRS) have access to the Comparative Print Suite. Their collective feedback about the system's usability, desirability, learnability, and accuracy continues to be positive and helpful. The project team has been working with the CAO's Congressional Staff Academy to develop on-demand and instructor-led courses. The project team is continuing to work on refining the system and is completing tasks related to the cloud infrastructure it will share with LIMS and the eHopper. In the coming weeks, we will release the Comparative Print Suite House-wide upon completion of the system's migration to the cloud infrastructure and required security audits.

For these three (3) products and any future products we build, we are committed to delivering modern applications and using state-of-the-art technologies, human-centered design principles, and cloud services to provide easy-to-use, robust, stable, secure, and reliable technical solutions for the House.

Another matter we are working on involves the lobbying disclosure system (lobbyingdisclosure.house.gov). Given the system's age, we recommend that it be redesigned and built anew. A contemporary system will improve the user experience, provide more efficient processing and automation, and allow for greater transparency. It will also allow us to meet the request of assigning unique identifiers to individual lobbyists. To assist in our analysis of this project, we continue to do research on similar systems in other jurisdictions and in both public and private sectors, and we are evaluating technologies that we can leverage in a redesign effort.

Additionally, LCS updated the Venus servers that drive the EVS main and summary displays in the House Chamber. This lifecycle replacement was critical to maintaining a robust and reliable display system. Finally, for fiscal year 2023 we are planning to install a redundant layer of data diode system for a secure, one-way communication of vote summary data.

We appreciate the Subcommittee's ongoing support for the operations of the Office of the Clerk. For fiscal year 2023, we respectfully request \$40,327,000. The request is a net increase of \$3,382,000 (10.48%) above the fiscal year 2022 enacted funding level. Eighty-three percent (83%) of the requested amount will support salaries, training, and technology to carry out our existing and new responsibilities. Specifically, personnel expenses and training for 238 full-time equivalent (FTE) positions account for \$28,327,600 of the overall request. The increase in personnel expenses supports the hiring of three (3) new technology staff to develop and maintain the increasing number of applications and systems my Office builds, maintains, and supports. I have only mentioned five (5) systems in my testimony today, but there are many more. IT staff in LCS need two engineers as well as a systems analyst who can lead new projects, work with customers and stakeholders to gather requirements, develop user stories, and collaborate with development teams throughout the application lifecycle.

More than \$5,000,000 of the overall request will fund technology and modernization projects as well as business continuity and disaster recovery activities. This funding request supports procurement- and contractor-related costs for required maintenance of the EVS, the continued rollout of the Comparative Print Suite, continued development of the eHopper, and design and development of the lobbying disclosure system, as well as other items. Additionally, the requested funds will continue to support the modernization of LIMS.

The remaining seventeen percent (17%) of the overall request is for nonpersonnel-related expenses, equipment, software maintenance and warranties, nontechnology contractor support, and contracts (such as closed captioning, curation, exhibitions, and stenographic reporting).

Mr. Chairman, Ranking Member Herrera Beutler, Subcommittee Members: the Office of the Clerk is dedicated to making efficient and effective use of the funds allocated to our efforts in serving this great institution. Thank you again for your continued support and for the opportunity to testify. I look forward to your questions.

Mr. RYAN. Thank you so much.

I will next go to the Chief Administrative Officer, Ms. Szpindor.

TESTIMONY OF CATHERINE SZPINDOR

Ms. SZPINDOR. Thank you, Chairman Ryan, Ranking Member Herrera Beutler, and members of the subcommittee. Thank you for this opportunity to present the fiscal year 2023 priorities and subsequent budget request of \$211.2 million for the Office of the Chief Administrative Officer.

Guided by our organizational motto, “Member Focused, Service Driven,” the CAO continues to focus on four priorities: improving communications with Members and staff; instituting rigorous planning, prioritization, and execution of projects; enhancing its support for the well-being of the House employees; and promoting and fostering an inclusive and diverse workforce.

Our Fiscal Year 2023 Budget Request includes an increase of \$18 million, or approximately 9 percent above the Fiscal Year 2022—sorry.

Mr. RYAN. I was going to say something, but I could hear you fine.

Ms. SZPINDOR. I project.

Mr. RYAN. You are doing great.

Ms. SZPINDOR. Our Fiscal Year 2023 Budget Request includes an increase of \$18 million, or approximately 9 percent, above the Fiscal Year 2022 Enacted funding level.

Our requested increase includes \$5.9 million for technology initiatives critical to House operations to strengthen the cybersecurity of House cloud resources, improve the House network, improve Member office technology, streamline the onboarding and offboarding for House staff, expand House data storage and archival and retrieval services, and continue the support for remote meetings and proceedings.

\$5 million of our requested increase is defined as the CAO’s new Emerging Projects Investment Fund, to provide accountability for specific high-priority, high-impact projects. Often these projects are requested by CAO leadership, House leadership, or committees and key stakeholders. This fund ensures the CAO champions those investments which directly meet the priorities of the House.

\$1.3 million of our request will provide our logistics and support team with contractor support and equipment needed for district office inventories, the CAO TV Program, and to acquire and deliver new furniture.

Finally, \$5.8 million of our request is allocated for increases in personnel longevities and a cost-of-living adjustment.

The CAO continues to deliver new services and improve services for the House. Launched in August 2021, the HR HUB is growing and a valuable resource for Member staff, containing more than 125 documents and resources to assist Member office staff to hire, develop, and retain staff. The CAO continues to expand the HR HUB to include job descriptions and career paths for common roles in Member offices. As part of the HR HUB, the CAO will launch the House Resume Bank, where prospective applicants can submit their resumes for specific job roles. Office staff can then select can-

didates from the Resume Bank based on their hiring needs and preferences.

The Office of Employee Assistance and the Center for Well-Being will continue to explore new resources and services to directly support all House offices, including self-help mobile apps, new partnerships to enrich our capabilities and provide helpful and needed services to House staff.

Since June 2021, the CAO's new training program, called CAO Coach, has provided over 50 training events, some with more than 300 participants, and 580 one-on-one coaching sessions geared to Member staff. Staffed by former chiefs of staff and district directors with two legislative directors joining the team very soon, the CAO Coach program will continue to meet in-demand training, provide one-on-one support for Member and district office staff.

Earlier this year, the CAO launched the Congressional Excellence Program, which pairs Members and their chiefs with leadership and organizational development experts to build a compelling vision of service, display excellence in leadership, and make a significant impact on behalf of their districts and our Nation. We anticipate this program to grow in coming years.

Through our strategic focus on planning, prioritizing, and executing our projects, we are confident the planned fiscal year 2023 investments, priorities, and initiatives will support and facilitate the work of the people's House and the Members and staff who serve it each day.

Thank you for your continued support and for the opportunity to present the CAO's fiscal year 2023 budget request. Thank you.

[The information follows:]



Statement Before the House Appropriations
Subcommittee on the Legislative Branch
on the Office of the Chief Administrative Officer
FY2023 Budget Request

The Honorable Catherine L. Szpindor
April 6, 2022

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee, thank you for this opportunity to present the **fiscal year (FY) 2023 priorities and subsequent budget request of \$211.2 million for the Office of the Chief Administrative Officer (CAO)**.

I would also like to thank the Subcommittee for your continued support of the CAO and its talented and dedicated staff. We are now two years into the COVID-19 pandemic during which the support and services provided by the CAO have been critical to ensuring the continued and successful operations of the U.S. House of Representatives. During the past two years, the CAO has provided resources for Members and staff across the House to ensure they can carry out their Constitutional duties, while also providing resources and services to support them in their professional development, as well as their mental and physical health.

As the House continues to navigate a hybrid of in-person and remote work, the CAO continues to deliver, expand, and strengthen the services we provide the House – from ensuring on-campus and remote network connections remain secure; to providing counseling and well-being resources for Members and staff; to facilitating coaching and training designed specifically for the unique job roles at the House; to building, repairing, delivering, and installing furniture; to processing payroll and benefits for all House staff.

CAO'S GUIDING PRIORITIES

The CAO remains committed to its mission to serve the House community by providing administrative, technical, and operational solutions so Members can perform their Constitutional duties while guided by our organizational motto: **Member Focused. Service Driven.**

To realize our vision to be an essential resource for every Member of the People's House, the organization continues to focus on four priorities: 1) improve communications with Members and staff; 2) institute rigorous planning, prioritization, and execution of projects; 3) enhance its support of the well-being of House employees; and 4) promote and foster an inclusive and diverse workplace within the CAO.

FISCAL YEAR 2023 BUDGET REQUEST

I am grateful for the opportunity to highlight the important work of the CAO, as well as how the CAO's FY23 budget request will enable the organization to improve its existing services and offer new ones to meet the needs of the House community. The FY23 budget request for the CAO is \$211.2 million, an increase of \$18 million, or approximately 9 percent, above the FY22 enacted funding level.

The increase includes: \$5.9 million for critical technology initiatives, including strengthening the security of House cloud resources and improving and modernizing services like the House network, innovative improvements to Member office technologies by the new House Digital Service team, and development and operational support expenses for the Appropriations Submission Application. This increase will also fund the deployment and expansion of House data storage and bolster data archival and retrieval services.

Additionally, \$5 million of the requested increase for new initiatives from various CAO business units is redefined to the CAO's new Emerging Projects Investment Fund. The investment fund is for

high-priority, high-impact projects that are requested or identified by CAO leadership; House Leadership; or key stakeholders like this Subcommittee, the Committee on House Administration, and the Modernization Committee. This Emerging Projects Investment Fund will provide accountability for specific requested projects, ensuring the CAO makes wise investments that directly meet the priorities of the House. The fund provides early-stage capital to closely examine project requests, identify required resources, and fully determine the total cost of a project. This fund also gives the CAO the ability to compare the utility of each requested project with others that are “in the pipeline” to ensure all our projects create as much impact as possible for the House community.

An additional \$1.3 million is requested to provide our Logistics and Support team with further contractor support and equipment needed to conduct district offices inventories, the CAO TV Program, and acquiring and delivering new furniture.

The FY23 budget request includes \$5.8 million, or a 6.5 percent increase, in current personnel funding for staff longevities and a projected 4.6 percent cost of living adjustment.

Our FY23 budget request is consistent with our FY22 budget request in seeking an increase of 9 percent over the previous year. This requested increase in funding for the CAO is, in part, because the supplemental funding to support remote proceedings is no longer available for some of our operations necessitated by a hybrid in-person/remote work environment. We anticipate these remote tools and technologies will be needed for continued House operations.

PROTECTING THE HOUSE

The CAO’s Office of Cybersecurity is charged with protecting more than 12,000 Members and staffers who access the House network, systems, and data from across the country on over 40,000 separate devices. Now, possibly more than ever, a strong cybersecurity posture is critical to protect the House against cyberthreats constantly present domestically and around the world. In FY23, Cybersecurity will continue to secure, monitor, and support the House Cloud platform that is vital to continuing on-campus and remote House operations. Additionally, the team will bolster House Network Access Control, which ensures only approved devices can access the House network and data, ensuring no malicious devices can connect to or exploit House resources. The Cybersecurity team also works directly with Member offices to provide cybersecurity briefings at their request.

MODERNIZING HOUSE TECHNOLOGY

At the recommendation of the Select Committee on the Modernization of Congress, the CAO established an innovative House Digital Service team that will work to modernize House technology services and resources, making them accessible and user-friendly for Members and staff. This team will work differently than our more traditional enterprise-focused IT teams. It will closely observe and collaborate with Member office staff to identify their unique challenges and quickly develop solutions to meet those challenges using modern technology. The team will bring cutting-edge, private-sector ideas and practices with the freedom to experiment and innovate. House Digital Service will also leverage modern practices and technologies to rapidly test, build, and deploy production-grade software and deliver better products and services for the House.

The CAO is focused on additional ways to modernize House technology. Our Finance and House Information Resources teams are developing and deploying a new expense reimbursement submission, tracking, and approval system, called My Expenses. This tool will automate expense report submission and approval and will replace the need for wet signatures with the ability to approve reports through a mobile and desktop app. My Expenses will be rolled out to Member offices in waves beginning in April 2022. Starting in January 2023, the tool will be rolled out to Committee offices.

Another modernization effort was the 2021 launch of Quill, the popular e-signature platform for Congressional group letters. The tool, originally developed by the Senate, was modified for the House and is now helping staff create letters, gather signatures, and track progress of letters from start to finish. I am very pleased the Appropriations Committee has now required Member offices to use Quill to e-sign Community Funding Project requests. Our modernization efforts will continue to focus on simplifying and easing many administrative functions at the House. For example, during FY23, the CAO will improve the onboarding and offboarding of House staff by incorporating digital signature technology to simplify various processes.

TASK FORCE ON A DIVERSE AND TALENTED HOUSE WORKFORCE

Work in FY23 will also entail the continued growth of the Task Force on a Diverse and Talented House Workforce, in conjunction with this Subcommittee, the Select Committee on the Modernization of Congress, the Committee on House Administration, my fellow House Officers, and other stakeholders. Established at the direction of this Subcommittee, the Task Force, comprised of 25 staff from across the House, is working to improve human resources management practices throughout the House, including how it recruits, develops, and retains a diverse and talented workforce.

The Task Force is currently examining benefits, staff training, and possible workforce data improvements, including compensation and diversity data. This work is incredibly important, and working together with our fellow House colleagues, this Task Force will be an effective team focused on accomplishing the goals laid out by this Subcommittee.

During FY23, the Task Force will continue to explore opportunities to improve data about the House workforce. It will also study benefits and efforts that could improve staff retention. This will include developing a list of all known benefits currently available to House staff, as well as a review of potential benefits that could be offered.

HUMAN RESOURCES SUPPORT FOR THE HOUSE

The CAO will continue to grow its House Human Resources Hub (HR Hub). Officially launched in August 2021, the HR Hub now contains more than 125 documents, tools, and other assets. Content within the HR Hub is organized into three categories: **Hiring**, **Developing**, and **Retaining**. As of February 2022, the HR Hub has been visited over 7,000 times with nearly 3,000 documents downloaded.

The HR Hub will continue to expand to include additional resources, such as formal job descriptions and interactive career paths for the most common roles in Member offices. The CAO will also launch the House Resume Bank – a component of the HR Hub – where prospective applicants can submit their

resume for specific job roles. House offices can then pull candidates from the House Resume Bank based on their hiring needs and preferences.

I would also like to focus on the HR activities specific to my organization. We are working to improve our efforts to attract diverse talent to join the CAO. In addition to posting all CAO job openings on the Professional Diversity Network, which includes access to over 30 diversity-focused job boards, the CAO Human Resources team also attends job fairs sponsored by professional associations, affinity groups, colleges, and universities. In support of our diversity-focused recruitment efforts, the CAO has attended 17 in-person and virtual job fairs since 2019.

In 2022 and 2023, we will take further significant steps to increase our recruiting and outreach efforts specifically focused on diversity. The Human Resources team will appoint a staffer to manage and lead the CAO's diversity recruiting and outreach efforts, attend a minimum number of diversity-focused job fairs and events to recruit talent to the CAO, and use CAO social media to promote our job opportunities in new ways. The CAO will also establish a formal internship program to identify, hire, and develop entry-level talent.

WELL-BEING AND EMPLOYEE ASSISTANCE

We are grateful for the \$500,000 in supplemental funding that this Subcommittee provided us in FY21 to expand employee assistance and well-being resources for the House during the trying days of the COVID-19 pandemic.

The CAO remains committed to supporting the well-being of House staff. Through its Office of Employee Assistance (OEA) and House Center for Well-Being, the CAO offers a wide array of support services and resources focused on improving and maintaining well-being.

Throughout the COVID-19 pandemic, and following the January 6 attack on the Capitol, OEA's support services have been in demand across the House community, including in district offices. In the spring of 2021, the OEA expanded its services to include a secure video conferencing tool to conduct remote counseling sessions for clients. Additionally, the OEA introduced a new managerial coaching course offered in partnership with an industry leader in leadership coaching.

The OEA will continue to explore new resources and services to directly support all House offices, including self-help mobile apps, possible partnerships with consulting psychiatrists to provide emergency support, and programs to research mental health resources and referrals nationwide that would allow OEA staff to devote maximum time to providing direct counseling services to House staff.

In November 2021, the CAO acquired and made available for all House staff premium access to the popular meditation, sleep, and relaxation app, Calm. Additionally, the House Center for Well-Being greatly expanded its resilience and meditation training and resources for Members, managers, staff, and U.S. Capitol Police officers, which have proven to be very popular.

The Center for Well-Being will offer House staff access to additional nationally recognized and popular apps, programs, and resources so staff have even more opportunities to focus on their well-being. The Center will also explore additional benefits such as gym and fitness studio memberships, tax prep and filing services, resume building and review software, and on-site and off-site social offerings.

STAFF TRAINING AND PROFESSIONAL DEVELOPMENT

In June 2021, the CAO launched a new staff training program, called CAO Coach. The program is currently staffed by two experienced former Chiefs of Staff and two experienced former District Directors. The program will expand to include two recent Legislative Directors to further build out the program's offerings.

Drawing on their decades of experience, the Coaches develop programming that features their colleagues as panelists discussing in-demand topics like *Coping with Emotional Casework*, *De-Escalating Challenging Situations in a Congressional Office*, and *Parenting as a Staffer*. The Coaches are developing a "101" video series for every common job position in a House office, hosting staff networking events, helping facilitate retreats, and providing customized training as requested by Member offices.

The Congressional Staff Academy continues to offer a wide catalog of professional development curriculum for House staff, including managerial and leadership development training for new and seasoned managers. Additionally, the Staff Academy provides access to the LinkedIn Learning platform for all House staff, granting access to tens of thousands of on-demand learning opportunities on a vast array of topics. The Staff Academy also facilitates the important required annual trainings for the House community, including Workplace Rights and Responsibilities Education, Cybersecurity Awareness Training, and Ethics trainings.

CONGRESSIONAL MEMBER LEADERSHIP DEVELOPMENT PROGRAM

At the recommendation of the Select Committee on the Modernization of Congress, the CAO has also launched the Congressional Member Leadership Development Program, a new Member training effort. As part of this effort, the CAO is piloting the Congressional Excellence Program, which will provide current and future generations of Congressional leaders with training and resources that can equip them to better serve the American people. The Congressional Excellence Program pairs Members and their Chiefs with experts in leadership and organizational development to build a compelling vision of service, display excellence in leadership, and generate significant impact on behalf of their districts and our nation.

Also, as part of the Congressional Member Leadership Development Program, the CAO has partnered with the Congressional Management Foundation to create a series of leadership podcasts called *The Exemplary Member*, which is designed specifically for Members of Congress. The first episode has already been released to the House community, with the rest of the series to be aired in the coming months.

CONCLUSION

Through our strategic focus on planning, prioritizing, and executing our projects, we are confident the investments, priorities, and initiatives outlined above will directly support and facilitate the critical work of the People's House and the Members and staff who serve it each day.

Thank you again for your support and for the opportunity to present the CAO's FY23 budget request.

Mr. RYAN. Thank you very much.
Sergeant At Arms Walker.

TESTIMONY OF WILLIAM J. WALKER

General WALKER. Good afternoon, Chairman Ryan, Ranking Member Herrera Beutler, and members of the Appropriations Subcommittee. I appreciate the opportunity to present the Office of the Sergeant at Arms budget request for fiscal year 2023. It is an honor and privilege to serve this great institution and our Nation as the 38th Sergeant at Arms.

With me this afternoon is Ms. Kim Campbell, she is the Deputy Sergeant at Arms; and Ms. Kathleen Joyce, she is my chief of staff.

Before going into my budget overview, I would like to frame the risk environment for the Capitol complex, Members of Congress, and this institution as an enterprise. The risk and threat atmosphere, especially for Members, has increased significantly and dramatically over the past year to 18 months, and it continues, unfortunately, to grow.

This unfortunate circumstance has been confirmed by intelligence information from Federal law enforcement agencies and others in our Federal Government. Their assessment is that threat actors are promoting acts of violence against government organizations and legislators on the Federal, State, and local levels.

In view of this growing threat, the Sergeant at Arms' fiscal year 2023 budget request is \$38,793,000. This request includes \$16,558,000 to fund 168 full-time equivalent positions plus 14 new FTEs, for a total of 182 full-time equivalent; and \$22,235,000 for nonpersonal items.

The \$11,098,000 increase over the fiscal year 2022 enacted budget is ascribed to additional personnel required to strengthen Sergeant at Arms' staffing levels in addition to enhance the safety and security of this complex, its Members, its staff, and all visitors.

This office has leveraged risk analysis to enhance our situational awareness and enable Sergeant at Arms staff, in partnership with the United States Capitol Police, to develop comprehensive and seamless security plans. Because of the growing threats that I mentioned and directions of interest communications, we continue to focus on the five dimensions of Member security that I noted in my previous testimony before this body.

And they are: Member security on Capitol Grounds; Member security at their residences; Member travel security; special events in Members' home districts, and I might add here in the Nation's Capital as well; mass Member events, I feel strongly that the Capitol Police should be made aware of those events; and then active threats against Members of Congress that we are relentlessly pursuing. The hope is that we dissuade them with judicial action.

Accordingly, I offer an overview of my fiscal year 2023 budget request, highlighting some of the significant physical and other security measures and strategies that are ongoing or brand new.

As noted in my January testimony, dynamic proactive security, mission-critical, must have an integrated focus on a comprehensive security plan for this Congress. Some specific and important security initiatives that I would like to note are as follows: We need to replace the escape hoods and the Victim Rescue Units, VRUs, that

are at the end of their life cycle. That alone is \$5 million. That is 17,000 units that we need. Providing access to a standard security package for Members' residence, strengthening the District Office Security Program, including security systems, installations, mail-safety devices and periodic security briefings. We need to increase security awareness and threat mitigation, briefings for district law enforcement coordinators. I would like to share with you a book at the end of my presentation that we put together. Next, emphasizing that law enforcement coordinators have the knowledge, skills, abilities and, hopefully, the access and reach, as well as the credibility to serve as a vital link between Members and their local law enforcement to ensure any security measures are met, any security needs.

We need to procure software to support emergency operations, conduct pre-event planning for evacuations, sheltering, and specified internal relocation drills, continuing the implementation of the Joint Audible Warning System being developed collaboratively with the Capitol Police and have the USCP, the Capitol Police replace the outdated annunciator system, which will enhance the life safety notification system for the United States House of Representatives.

We also want to continue our contracted services and continue with rehired annuitants—and you have been very gracious with that, but we need more—with security subject-matter expertise, people with deep knowledge and experience in security and proactive intelligence—protective intelligence, rather, to provide greater capability and capacity to effectively address the executive protection, intelligence, and special event security responsibilities of this office, the hiring of additional Sergeant at Arms staff to increase effectiveness in the following areas: police services, emergency management, parking security, and information services.

As you know, many Members receive threats and unusual directions of interest communications that understandably raise concerns for Members, their families, and staff. The number of threatening communications has dramatically increased over the past several years. And these threats have become more visceral and violent. For example, since January 2022 to yesterday, there have been 1,811 threatening communications made against Members of Congress. Furthermore, in 2021, there were 9,625 investigations related to threatening communications against Members of Congress.

Accordingly, my office, specifically the Police Services Division, continues to proactively interface with Member offices to coordinate security for special events or mass Member events that take place off Capitol Grounds. In 2021, Police Services staff, along with the United States Capitol Police, conducted 51 security awareness briefings for Member offices.

Since January of 2022, Police Services has conducted five security awareness briefings. In 2021, Police Services had 6,446 interactions with Member district offices and have 950 interactions to date. Accordingly, I am asking for six new full-time equivalents to optimize this critically important division and better provide services to Members, both in Washington, D.C., and in their residences.

When a Member office desires law enforcement support for an event, the Sergeant at Arms requests that the United States Cap-

itol Police provide a security assessment. If the United States Capitol Police security assessment determines that protection is warranted, we work collaboratively with the Capitol Police and other Federal, State, and local law enforcement to ensure protection is provided. Protective services can range from a notification to a police department to an actual USCP presence.

My office will continue to coordinate with security experts, intelligence professionals, and leverage physical security countermeasures to develop and maintain optimal technical and operational security postures for the Capitol. These important physical and other security efforts continue to be coordinated with the Architect of the Capitol, the Senate Sergeant at Arms, the Chief of Police, as well as the committees of jurisdiction.

Lastly, our fiscal year 2023 budget request continues to support funding for staff travel, including advanced operational planning and other large-scale off-campus events attended by Members of Congress. Funding will continue to provide critical job-specific training for my staff in the areas of leadership, management, professional development, information technology, and emergency preparedness. Funding will continue to cover communication services for all divisions of the Sergeant at Arms as well as printing of emergency preparedness brochures, district security training material, et cetera.

In closing, the fiscal year 2023 budget request has been prepared in the spirit of zero-based budgeting, without jeopardizing mission-critical services provided to the House community.

Thank you once again for the opportunity to appear before you this afternoon. I am profoundly grateful for the committee's unwavering support to our sincere efforts to preserve the delicate balance between necessary and required security measures and an open Capitol.

Finally, let me thank my staff for their hard work and unwavering commitment to excellence.

I am happy to answer any questions you may have. Thank you again.

[The information follows:]

Testimony of
The Honorable William J. Walker
Sergeant at Arms
U.S. House of Representatives
Before
The Subcommittee on Legislative Branch
Committee on Appropriations
April 6, 2022

Good afternoon, Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Appropriations Subcommittee on the Legislative Branch. I appreciate the opportunity to present the Office of the Sergeant at Arms budget request for fiscal year 2023. It is an honor and privilege to serve this great institution and our Nation as Sergeant at Arms (SAA). The guidance and oversight from the Subcommittee has been insightful, candid, and constructive; and it is my expectation that we will forge an even stronger synergistic bond going forward.

As you know, I appeared before this Subcommittee in January and shared my strategic vision relative to the statutory mission of the Sergeant at Arms Office and to thank you for the supplemental appropriation for the United States Capitol Police (USCP). The supplemental was a significant investment to help mitigate the risk and threat environment, and to reduce security vulnerabilities to the Congress.

Before going into my budget overview, I would like to frame the risk environment for the Capitol complex, Members of this body, and the institution as an enterprise. The risk and threat atmosphere, especially for Members has increased significantly over the past year and continues to grow.

This unfortunate circumstance has been confirmed by intelligence information from federal law enforcement agencies and other partners. Their assessment is that threat actors, including Domestic Violent Extremists (DVE), are promoting acts of violence against government organizations and legislators on the Federal, state and local level as well as against law enforcement and public safety organizations, and other government entities.

In view of this growing threat, the Sergeant at Arms Fiscal Year 2023 budget request is \$38,793,000. This request includes \$16,558,000 to fund 168 Full Time Equivalent (FTE) positions plus 14 new FTE for a total of 182 FTE and \$22,235,000 for non-personnel items. The \$11,098,000 increase over the FY 2022 enacted budget is ascribed to additional personnel required to strengthen Sergeant at Arms staffing levels in addition to items essential to enhance the safety and security of this complex, Members, staff and all visitors.

This office has leveraged risk analysis to enhance our situational awareness and enable the Sergeant at Arms staff in partnership with the USCP, to develop comprehensive and seamless operational security plans. Because of the growing threats and directions of interest communications, we continue to focus on the "Five Dimensions" of Member security I noted in previous testimony before this Subcommittee.

These are:

- Member security on Capitol Grounds
- Member residential security
- Member travel security
- Special events in the Members' home districts
- Active threats against Members of Congress

Accordingly, I offer an overview of my FY 2023 budget request, highlighting some of the significant physical and other security measures and strategies that are ongoing or new. As noted, in my January testimony, dynamic security planning must be mission-critical with an integrated focus on a comprehensive security plan for the Congress. Some specific and important security initiatives that should be noted are as follows:

- Replacing Escape Hoods and Victim Rescue Units (VRU) that are at the end of their lifecycle.
- Providing access to a standard security package for Member residences.
- Strengthening the District Office Security Program including security systems installations, mail safety devices and periodic security briefings.
- Increased security awareness and threat mitigation briefings for District Law Enforcement Coordinators (LEC).

- Emphasizing that LECs have the knowledge, skills, abilities, access and credibility to serve as a vital link between Members and their local law enforcement to ensure their security needs are met.
- I recommend that Members consider having former law enforcement professionals serve as LECs in their office.
- Procuring software to support emergency operations, conduct pre-event planning for evacuations, sheltering and specified internal relocation drills.
- Continuing the implementation of the Joint Audible Warning System (JAWS) being developed collaboratively with the Capitol Police Board and the USCP to replace the outdated annunciator system which will enhance the life safety notification system for the House.
- Continuing contracted services and rehired annuitants with security subject matter expertise to provide greater capability and capacity to effectively address the executive protection, intelligence, and special event security responsibilities of the Sergeant at Arms.
- The hiring of additional Sergeant at Arms staff to increase effectiveness in the following Sergeant at Arms divisions: Police Services, Emergency Management, Parking Security and Information Services.

As you may be aware, many Members receive threats and unusual direction of interest communications that understandably raise concerns for the Members, their families, and staff. The number of threatening communications has dramatically increased over the past several years and these threats have become more visceral and violent. For example, since January 2022 to date, there have been 1,811 threatening communications against Members of Congress. Furthermore in 2021, there were 9,625 investigations related to threatening communications against Members.

Accordingly, my office, specifically the Police Services Division, continues to proactively interface with Member offices to coordinate security for special events that take place off Capitol grounds including the Washington, D.C. area, their districts, or across the country. In 2021, my Police Services staff along with the USCP conducted 51 security awareness briefings for Member offices.

Since January 2022, Police Services has conducted 5 security awareness briefings. In 2021, Police Services' had 6,446 interactions with Member district offices and have 956 interactions to date this year. Accordingly, I am asking for six new FTEs

to optimize this critically important division and better provide services to Members in both Washington, D.C. and in their districts.

When a Member office desires law enforcement support for an event, the Sergeant at Arms requests that USCP provide a security assessment. If the USCP security assessment determines that protection is warranted, then we work collaboratively with the USCP or other Federal, state and local law enforcement partners to ensure the protection is provided. Protective services can range from a notification to local law enforcement, to a USCP executive protection deployment.

My office will continue to coordinate with security experts, intelligence professionals, and leverage physical security counter measures to develop and maintain an optimal technical and operational security posture for the Capitol. These important physical and other security efforts continue to be coordinated with the AOC, the Senate Sergeant at Arms, the Chief of Police, as well as the committees of jurisdiction.

Lastly, Sergeant at Arms' FY 2023 budget request continues to support funding for staff travel, including advanced operational planning and other large-scale off-campus events attended by Members of Congress. Funding will continue to provide critical job-specific training for Sergeant at Arms staff in the areas of leadership and management, professional development, customer service, information technology, and emergency preparedness. Funding will continue to cover communication services for all divisions of the Sergeant at Arms, as well as general office printing, including printing of emergency preparedness brochures and District office security training materials.

In closing, the Sergeant at Arms' FY 2023 budget request has been prepared in the spirit of zero-based budgeting, without jeopardizing mission-critical services provided to the House community. Thank you once again for the opportunity to appear before you today. I am profoundly grateful for the Committee's unwavering support of our sincere efforts to preserve the delicate balance between necessary security measures and open access to the Capitol complex. Finally, let me thank my Sergeant at Arms staff for their hard work and commitment to excellence. Along with the brave men and women of the USCP, other law enforcement and

security professionals, they sacrifice daily to protect the citadel of democracy. I am happy to answer any questions you may have.

Mr. RYAN. Fantastic. Thank you for the testimony. We are really proud of the work that you have done over the last year or two and all of your teams, so make sure you let them know.

And we are going to start the question and answer, and we are going to start with the ranking member, Ms. Herrera Beutler. You have 5 minutes.

CAO INVESTMENT FUND

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman, and I will speak quickly.

Ms. SZPINDOR, I am just going to be brief because I want to get as many out as I can. Your office is requesting to realign funds from various business units to establish a CAO Investment Fund. The purpose of the fund is very broad, in saying its projects—saying it is for projects that would impact Member, committee, and leadership offices. And I was hoping you could elaborate what the \$5 million fund will be used for, why you believe it is necessary, and who would make decisions for its use.

Ms. SZPINDOR. Thank you. The Investment Fund, really, think of it as a way of having—as pulling funds that we have asked for traditionally in each of our business units.

These are funds that each of our business units have put forward for their budget this year, but they were for large projects that we feel like are better managed if they are then brought into an investment fund picture, where we set those aside. From a management perspective, we are making some very important decisions about them as we go through, evaluate the projects, better understand them.

Ms. HERRERA BEUTLER. Can I ask just so that—because I am still—I am fuzzy on the different business units. Could you just—is it possible to give me examples so that I follow you easier? Thank you.

Ms. SZPINDOR. No, that is fine. Within the CAO, we have the Finance Department, Procurement, Logistics, and HIR, or House Information Resources. All of those are our business units within the CAO.

Traditionally, when we have done our budget, we accumulate, through zero-based budgeting, the budgets for each of those business units, including any special projects that they may have been asked to include or work on in the future years. I will give you an example.

Ms. HERRERA BEUTLER. I—okay.

Ms. SZPINDOR. The Digital Service Program is an example of one. Some of the modernization that we are doing in Web Services is an example.

Ms. HERRERA BEUTLER. So this is money they are going to be asking for each year anyway.

Ms. SZPINDOR. Yes.

Ms. HERRERA BEUTLER. So, as part of the budget, you are—I still don't totally understand how—

Ms. SZPINDOR. We are not removing them, really, from the budget. They are part of the budget. We are conceptualizing them as part of this investment program that we are doing. And all that really means is that they are going to have a higher level of over-

sight. We are going to make sure that we are evaluating each one of those projects to ensure that, when we get ready to get started with it, we can execute it.

Ms. HERRERA BEUTLER. Okay.

Ms. SZPINDOR. I know that, in the past, sometimes we have had projects that we have started, and we thought when we first asked for the money that we were going to be able to get everything done that was needed for that project in a particular year. However, after we got into the project, we did our requirements——

Ms. HERRERA BEUTLER. Is this a \$5 million start to it?

Ms. SZPINDOR. It is just—yes.

Ms. HERRERA BEUTLER. And so the \$5 million will be a cushion fund?

Ms. SZPINDOR. Well, actually, the \$5 million is what they would have had in their business units anyway.

Ms. HERRERA BEUTLER. Okay. As part of—okay, okay.

Ms. SZPINDOR. We are not creating any type of slush fund or anything like that.

Ms. HERRERA BEUTLER. Got it, okay.

Ms. SZPINDOR. We are just simply saying: You have this particular project in your business unit, and it is a major project.

Ms. HERRERA BEUTLER. Thank you. I apologize. I need to switch gears just because I am watching my time. And I may follow up. Thank you for breaking it down.

Ms. SZPINDOR. I hope that helps.

CONTRACT SECURITY STAFFING

Ms. HERRERA BEUTLER. It does. Thank you, thank you.

General Walker, the Capitol Police is currently working to bring on security contractors temporarily to help supplement their sworn officers to reopen the Capitol and to make sure all the security demands are met.

And I understand, in your budget request, you also have requested an increase in nonpersonnel costs due to contracted services to assist with controlling access to the House Chamber and galleries during peak visitation.

And what I wanted to ask is, is the Sergeant at Arms suffering from a similar attrition as the Capitol Police that you would need the supplemental security contractors, or is this just standing practice for Chamber security during peak visitation?

General WALKER. Yes, ma'am. Thank you for the question. It is the latter. It is a standing practice. So these are seasonal people that come on. They come off. They come back on. And, fortunately, we are not suffering from the attrition that the United States Capitol Police is having.

Ms. HERRERA BEUTLER. And I will save for another round. Thank you for that.

General WALKER. Yes, ma'am.

Mr. RYAN. I thank the gentlelady.

We are going to go virtual here with the distinguished gentleman from New York, Mr. Espaillat.

CYBERSECURITY

Mr. ESPAILLAT. Thank you, Mr. Chairman. Thank you.

My question is for the Honorable Catherine Szpindor. And the CAO budget calls for \$2 million to support cybersecurity for cloud modernization of House services, and in it, you list 14 cybersecurity priorities.

How does this complement the cybersecurity enhancement called by the Sergeant at Arms, and how do the two entities work together to ensure that the House network is secure from external cyber attacks?

Ms. SZPINDOR. Thank you, sir. The Sergeant at Arms staff and our staff work very closely from a cybersecurity standpoint. The House CISO, Randy Vickers, is here with me today, and he spent quite a bit of time with both the Clerk's organization, as well as the Sergeant at Arms, making sure that we are all working together on behalf of ensuring that we are securing the House from a cyber attack of any type as well as just having common day-to-day practices that ensure we are following good cyber practices at the House.

The money that we are spending as opposed to what maybe the general is spending here has to do with a lot of our hardware, our software, ensuring that we are improving our cloud services' architecture and the software that then surrounds that architecture, to ensure we are preventing any type of intrusion into it.

And the same is true for a lot of our other systems, not just cloud but many of our other systems that we run every single day within the House on behalf of the Members and the staff, such as our payroll and benefit system, our H.R. system, and others.

So, a lot of our money goes internally to the architecture that supports I guess the bedrock of our technology within the House.

COMMUNICATING WITH MEMBERS

Mr. ESPAILLAT. Thank you. Thank you.

My next question is for General William Walker, William J. Walker. And since the emergency security supplemental became law, what steps has the Sergeant at Arms implemented to improve communications with Members of Congress, the public, and other stakeholders since the insurrection? And how will this fiscal year 2023 budget you propose build on that progress?

General WALKER. So thank you for the question, Congressman. So we use the money to improve communication to Members; is that the question?

Mr. ESPAILLAT. Yes. What steps have you taken to improve communications with Members of Congress, the public, and other stakeholders?

General WALKER. Well, not so much with the public, but we are focused on the Members. So Police Services has reached out to all the Members, through the law enforcement coordinator and through the district security office. So that is how we are using the funds.

But if I am hearing a suggestion that we need to do more with the public, we will look into that. But right now, we communicate on a regular basis with the Members and their staff.

Mr. ESPAILLAT. Thank you. Thank you both.

Thank you, Mr. Chairman. I yield back.

Mr. RYAN. I thank the gentleman.

The distinguished gentleman from Washington State.

HOUSE APPOINTMENTS DESK

Mr. NEWHOUSE. Thank you, Mr. Chairman, and thank you all for being here with us today to talk about your proposed budget request. As we were speaking just informally before the hearing, the public is coming back. The halls are filling up. There are now lines in places. It takes longer to get from point A to point B. But I think we would all agree it is a good thing that the people's House is beginning to open. So thanks for your efforts to make that happen and look forward to continuing that process so that we are fully open as soon as possible.

But I want to—I appreciate, Major General Walker, you contacting me last week. We were able to talk about some of these issues, and I expressed to you some of my concerns about where we are in that process. And I just wanted to expound on those this afternoon. And so I have got several questions, and I will just express them to you, and we can have that conversation.

So, just to start with, where within the House protocol and Chamber operation policies is it written that the House Appointments Desk, which you know I have an issue with, must take the names and information of individuals when they attempt to visit the United States Capitol?

And what is done with those names? What is done with that information of the individuals visiting after they have visited? Is there a log or a database that is maintained? Who has access to that information that is provided to the House Appointments Desk?

If I recall, you said you are the 38th Sergeant at Arms. You were installed on April 26, 2021. And this practice of taking these names and visitor information began last fall, when our office, it became necessary to submit these names by email. There is an online submission form I think that has a date on it of February of 2022.

So was the collection of these names and information your decision or perhaps directed by someone, for instance, the Speaker of the House, to make this change? Where is the change in policy in written form that is accessible to Members of Congress and to the public? And what kind of metrics did you follow in making the decisions to require this information?

And, just probably a coincidence, but this morning, as you know, it was raining. I had an appointment this morning. The guests arrived at the door of the Cannon Building a full hour before the appointed appointment, and by the time they got to my office, we had about 5 minutes remaining for an available meeting because of the—I think there was probably a hundred people backed up at the door, standing in the rain waiting to get in, just so they could go through this process of giving names and information.

So just expressing—trying not to be—I just want some information on why, why we have to keep doing this. It is truly a bottleneck, and it is impeding the work that needs to be done here.

General WALKER. Thank you, Congressman Newhouse, and thank you for your time last week. So I am going to answer in reverse order. There is no system of record in the House Sergeant at Arms. So the names are not run against anything. The names—

when I got here, the names were being collected with the thought that they would be kept for 60 days and then destroyed.

Oh, sorry about that. So I will just recap.

When I got here, the names were being requested for 60 days, and then they would be—you know, there is no system of record. So the names would be destroyed after 60 days.

So a decision is going to be made to not have the names anymore this week. So I will be publishing that soon. There is no other information. It is just a name. And, without date of birth, place of birth and others, what can you do with it?

Mr. NEWHOUSE. Can I say hallelujah here?

General WALKER. Sir?

Mr. NEWHOUSE. Can I say hallelujah here?

General WALKER. Yes, sir. But I just want to manage expectations. So I go around the complex as well, outside and in, and this morning, I saw the long lines. So the expectation I want to manage is that, on some doors, there was one metal detector working, and that is a symptom of not having enough Capitol Police officers.

So the names will speed it up. Not requiring the names will speed it up, but the lines will still be—it won't be just coming in because you are still going to have to negotiate the metal detectors, and there are less officers there.

So I want to be clear: There is no system of record. No one keeps these names. No one puts these names through a database. The names are just kept. And, from my research, the thinking was, if something were to happen, law enforcement would have a starting point to go and find out who was here. My experience is you would need more than a name. So my name, for example, even my full name, William Joseph Walker, is extremely common. You would need more than that. So I look to see it disappear this week.

Mr. NEWHOUSE. I appreciate that.

General WALKER. Yes, sir.

SERGEANT AT ARMS FISCAL YEAR 2023 REQUEST

Mr. NEWHOUSE. Thanks for that information.

The other question, just stemming from your testimony today, you went through a long list of things, improvements and necessary changes in the safety and protocol, policing needs and all those kinds of things. But I think the chairman would agree, a 60-percent increase in an appropriated budget is huge, one that bears at least some perusal.

Could you help me understand? Some of those things I think are one-off, so to speak, replacing some of the hoods and things like that. But about how much of the budget is going to be ongoing? Is this going to be a new level of requirements moving forward? Are we going to get back to some level of maintaining what had been more normal in the last few years?

General WALKER. Thank you, Mr. Newhouse.

So I will just talk about the hoods first. The hoods were way beyond their life cycle, and then they were used effectively on January 6. So we have to replace those hoods.

Mr. NEWHOUSE. Yes, I am not questioning the need for that. Just that is one example of something that is a one-off purchase. It in-

creases the budget need this year, but next year won't be there, perhaps.

General WALKER. No, it won't be there next year. But that \$11 million, that was a big chunk of it, just to replace that. And then the additional funds—it is all real money, but the additional funds is to acquire and bring on subject-matter experts, really practitioners in protection and intelligence and security, and we need those people.

Mr. NEWHOUSE. And many of those costs will continue on into the future, you are anticipating.

General WALKER. Well, I anticipate that would be a stable cost because we will keep them. Hopefully, we will get 3 to 5 years out of these people. And then we will train the people we have here, and then the cost should go down.

But I am bringing in subject-matter experts from across Federal law enforcement to help us better understand what is facing us. Then, as I grow people and develop people, part of it was leadership development to get the skills that we need to better protect the campus, better protect the Members, their families. I will develop subject-matter experts in-house, and then the cost should go back down.

Mr. NEWHOUSE. I appreciate that.

General WALKER. Yes, sir.

Mr. NEWHOUSE. Thank you.

I see I have gone way over my time, Mr. Chairman. Thank you.

CYBERSECURITY NEEDS FOR FY 2023

Mr. RYAN. Good questions, Mr. Newhouse. Thank you.

So I am going to try to get through a few of the questions here that we would like to better understand. I am going to start with the CAO.

We were talking a little bit about cyber attacks. I may have missed it, but is there a specific number in the line item for cyber that you are asking? I know there is. What is that specific number, and what is the increase?

Ms. SZPINDOR. There is a specific number for cybersecurity.

Mr. RYAN. Is your mike on? Now I am paranoid about it.

Ms. SZPINDOR. I am getting there, yes. For cybersecurity, our budget for this year is \$26 million. That is about a 13 percent increase and included in that is a number of things for cyber, which is the increase in some of our contractor dollars that we have.

We are renegotiating some of our contractors, which we use a fairly large percentage, both for on-site, as well as we have a contract with an outside firm that does 7-by-24 monitoring of our network around the clock. So, there is some increase there.

And then also just increases on the type of technology that we are using for cloud. There is a technology, and I am not going to go in and try and explain it, but it is using containers around our applications so that we can—it is a type of technology that builds in the security into the container where your application is. And there has been a lot of time and effort spent by the cybersecurity team and working with our applications staff in being able to get that technology up and going.

Mr. RYAN. How many of the personnel, how many people are working as contractors on cyber?

Ms. SZPINDOR. On cyber, there is probably about—and I would have to ask Randy. It is about—

Mr. VICKERS. We have about 62 percent, about 62 people out of the 100 that are on my staff. I still have some vacancies on the FTE, but I have about 62 contractors.

Mr. RYAN. Okay. All right. As far as the prevention of cyber attacks, I mean, I think we are seeing a lot with everything going on in Ukraine of just this broader kind of awareness happening now about cyber.

Is there anything you are concerned with that we need to know about with regard to any kind of cyber attack here?

Ms. SZPINDOR. Well, we certainly are in a hyper state of visual review of everything that is going on. And I know that Randy and his team, the cybersecurity group, are looking daily for any indication of anything coming in from outside of our network.

Mr. RYAN. Maybe we should do that offline in a little more classified setting—

Ms. SZPINDOR. Right.

Mr. RYAN [continuing]. Which probably would be better.

Ms. SZPINDOR. And we can do any type of cyber briefing to the staff.

HOUSE WELLNESS CENTER

Mr. RYAN. Yeah, I think we are going to probably get that scheduled.

I want to talk a little bit with you about the House Wellness Center.

Ms. SZPINDOR. Yes.

Mr. RYAN. You know, this place was a very, very difficult place, high-stress environment prior to COVID and prior to January 6th. And so this is a very important I think component of our strategy to retain and make sure we are taking care of the workforce here that are public servants, and they are serving the country.

I am really proud of Bryan and his team and what they have been able to do in the last couple years, rolling out a lot of these resiliency-based programming for staffers. And it is really important to me and I know the committee to continue to provide the rollout of these new programs to support the staff, the Members, and the Capitol Police.

So, if you could just talk a little bit about any needs that you see within the wellness, any kind of programming that you anticipate the center or OEA providing in the next year that builds upon the work that we have done.

I know there are only 11 FTEs right now. And so how are you growing your staff to meet the operational and administrative challenges?

Ms. SZPINDOR. We are increasing the staff. Within the next year, we should have approximately 15 full-time staff in OEA, and we are going to be adding two more full-time individuals to the Center for Well-Being as well. We also have a fellow from the Green and Gold Star family that is working there. And so, we have a lot

planned with those individuals, and it is a good thing that we are going to be able to improve the staff levels there.

In the center for OEA, we intend to continue to increase in-person and virtual retreat services, both in D.C. and across the Nation and territories, by going out and actually working with the offices.

I know that the OEA team has been very instrumental in working with our Coach program. In many of the sessions that we have been having with staff in the district office, they have participated as well, especially when it has to do with casework and some of the things that the individuals in the district office are going through.

Mr. RYAN. I had never heard of this Coach program. I love it. It sounds terrific. Maybe we need to do a better job of getting it out so—

Ms. SZPINDOR. It is remarkable, what is happening as far as the feedback we are getting from district office staff. It is tremendous. And we had a district—and we are getting off the subject, but we had a district office directors fly-in last Thursday and Friday. And we had over a hundred district office directors here for a 2-day event, and it was really remarkable.

So, the OEA team is working very carefully with that. They are also looking at launching some new apps. We currently have a Calm app that was brought in and is being marketed heavily by the Wellness Center. So—

Mr. RYAN. Can you give that to Members of Congress? Can we get them the Calm app? Yes.

Ms. SZPINDOR. Calm us all down.

Mr. RYAN. Yeah.

Ms. SZPINDOR. But the House Center for Well-Being is really gearing up this year for a number of programs that they are launching, and meditation- and resilience-based programs. They have a Resilient Leadership Program on Transcendental Meditation, and they are partnering with the David Lynch Foundation for that. They have a SKY Breath Meditation, in partnership with the Art of Living Foundation, and the ABCs of Resiliency, which is a program in partnership with the Garrison Institute.

So, we have got some very good things happening over the rest of this year.

Mr. RYAN. That is fantastic.

We are going to do a quick second round here. They did call votes. So Ms. Herrera Beutler.

OFFSITE OPERATIONS CENTER

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

General Walker, your budget request includes funding for the establishment of an offsite location, but does not provide further description as to why the site is necessary. What is the capability for this new location? What capability is it bringing to your office that you don't already have? And, unfortunately, briefly, because I am going to move right—I have one other question for you.

General WALKER. Yes, ma'am. I will be as fast as I can read this.

Ms. HERRERA BEUTLER. Thank you.

General WALKER. So we want to establish an offsite operations to ensure the House can continue emergency operations if an event impacts access to the Capitol complex. Past events have dem-

onstrated that access to and operations from the existing operation center on Capitol Grounds could be hindered or not even possible.

So establishing an operations center outside of the immediate Washington, D.C., we are looking at probably a 30- to 50-mile radius is what we are looking for, would allow us to continue operations. And I will stop there in case you have something else, but I have got a couple more paragraphs.

Ms. HERRERA BEUTLER. Your office is responsible for the purchase and installation of security systems from our Member offices, our district offices. And part of the funding increase you requested would go to increase the service.

I wanted to know what the percentage of Members who currently utilize the offering. Have you noticed an increase in that?

And then, under that same header in your budget, there is request for funding for a security program to enhance security for Members of Congress, and I was hoping you could elaborate in detail, more detail.

General WALKER. Yes, ma'am. So the first question, about 83 percent of Members' district offices utilize the funding. The variance could be there are some Member district offices that are in Federal locations. And then, just asking around, there are some Members, believe it or not, their district office is adjacent to a police department, and in one, police headquarters is on the first floor. So they won't need the money. So it is about 83 percent, ma'am.

And then the second question was?

ENHANCING MEMBER SECURITY

Ms. HERRERA BEUTLER. Security program to enhance security for Members of Congress was a new part of your budget request. Can you elaborate a little bit more about what that entails?

General WALKER. So that is aspirational. We would like to have residential security for all Members. I think with the threatening communications that Members are receiving, it is untenable. And I want peace of mind, and I hope everybody does as well.

So, when you come here, you come to work to work, and your center of gravity back home in Washington, they are safe and secure. So I propose that we have residential security for all 441 customers.

Ms. HERRERA BEUTLER. Thank you.

And I will yield back to the gentleman, who comes from the State where they are the only one to have a nonrectangular flag.

HOUSE INTERN PROGRAM

Mr. RYAN. We are including you all in our joke here.

So I want to do something on the House intern program, Ms. Szpindor,

Ms. SZPINDOR. Yeah.

Mr. RYAN. This is, you know, something that—I interned here way long time ago. And they just were getting rid of the LBJ Internship Program, which was a really phenomenal program to help people, you know, that just didn't have the money to be able to come here, you know, White people, Black people, Brown people,

poor—you know, just people who can't afford to come, and have this amazing experience here as a young person.

So this intern program is really important to us on the committee, and that is why we have funded it, expanded it to committees. We are now encouraging a portal with the Office of Diversity and Inclusion to really reach into the HBCUs, reach into the minority institutions, so that we are really creating a pipeline of opportunity here for young people all across the country, and, you know, super excited about that. So digging in to get resumes and making sure that we establish that is really important.

So I have a couple quick questions here. Do you have any information on how Members are utilizing their intern allowance? You know, are they splitting it between several interns, or, you know, is it district-focused, here in D.C.? How are they using it?

Ms. SZPINDOR. Well, I have some statistics for you, and we can share with the Committee. I have a report that we submitted I guess a couple months ago to the Committee on House Administration. But about 69 percent of the funds, which are over \$7 million—\$7,893,551 were authorized for the calendar year 2021—were disbursed as of December 31st, 2021. That was 69 percent. Of that, 74 percent was for the Washington, D.C., House paid interns, 23 percent for district office paid interns, and 3 percent was for Leadership office House paid interns.

The total number of interns that participated in the program were 3,624. On an average, 302 were appointed each month. Eight House paid interns were employed, on the average, in each participating office. Seventy-six days were the average for employment out of a potential 120. And the average annual salary for each of these was \$14,108 out of a potential maximum of \$21,600.

So, we do not have anything without calling the offices individually to ask, how many of these were only part time as opposed to full time? But I think that gives you a pretty good breakdown for how the interns were used.

CHAIRMAN RYAN CLOSING REMARKS

Mr. RYAN. Yeah. That is great. That is great. We have got the clock running here. So we will probably just leave it at this, and we will submit questions and maybe a couple of followups that the committee may have. And we are going to hustle over to go vote.

But I just again wanted to say thank you. It has been a very difficult year for a lot of folks, and I am going to get official here for a second.

I would like to thank each of you and your teams, and on behalf of the Members, our staffs, our constituents, thank you for the work that you are doing.

The subcommittee stands in recess until April 27, 2022, at which time we will receive testimony from the Library of Congress, Government Printing Office, and Architect of the Capitol. So, again, please thank all of your staffs for all of their great work, and we will continue to stay in touch, and we will very carefully review your suggestions. Thank you so much.

And, with that, the hearing is adjourned.

[Material submitted for the record follows:]

Ms. Enumale Agada
Acting Director, Office of Diversity & Inclusion
U.S. House of Representatives
House Committee on Appropriations – Subcommittee on the Legislative Branch
“House Officer’s Hearing FY23 Budget”
March 30, 2022

Chairman Ryan, Ranking Member Herrera Beutler, and distinguished Members of the Committee—it is an honor to submit my testimony to this esteemed panel. I would like to begin by expressing my gratitude for the Subcommittee’s support of the Office of Diversity and Inclusion (ODI or the Office). As you know, our bipartisan office is charged with helping House employing offices recruit, hire, develop, advance, and retain a diverse workforce. I respectfully ask for your continued support and request that an amount of \$3 million be appropriated to the Office of Diversity and Inclusion, so that it may continue its crucial work in the House. In this testimony, I am excited to share the many successes the Office has had throughout the past fiscal year, some of our challenges, and how our Office intends to use the appropriated funds throughout the next fiscal year.

The Office of Diversity and Inclusion accomplishes its mission of building a more diverse and inclusive House workforce via Candidate & Member Services, DEI Education & Outreach, and Data & Research. Through Candidate & Member Services, ODI professional staff members meet with job seekers to provide application advice, resume reviews, and mock interviews. The Office also maintains an internal resume bank through which it can source qualified and vetted candidates to Member and Committee offices seeking to fill vacancies. Since March 2021, the Office has assisted approximately 754 job seekers and responded to more than 500 resume requests from Member offices.

The Office also does Diversity, Equity, and Inclusion (DEI) Education and Outreach by hosting and participating in programs to educate the House community and others about the principles of DEI and the many resources available through our office. Since March 2021, the Office has hosted 30 educational programs with a total of more than 4,000 registered attendees. The Office has also participated in 51 external panels throughout the past year. The Office also does outreach to colleges and universities to inform students of how our office can be of assistance, as they search for internships or full-time positions in the House. Since March 2021, the Office has conducted 35 college presentations. Finally, the Office emphasizes research and the collection of data regarding the House’s employee composition through three regular studies. In 2021, the Office contracted with an outside consulting firm to perform additional analyses on the results from the 2020 Barrier Analysis Study and to conduct the 2021 Compensation & Diversity Study. The results of the 2020 Barrier Analysis were briefed to committee staff and other relevant stakeholders, while the Compensation & Diversity Study’s results are publicly available on the ODI website. Also in 2021, the Office conducted a Witness Diversity Survey to ensure that nongovernmental Committee witnesses represent geographically and socioeconomically diverse perspectives. The results of this study are internal. The Office intends to conduct all three of these studies regularly and use the data to continually refine its strategies for the House to recruit and retain a diverse workforce.

While the Office of Diversity and Inclusion had many successes throughout the past year, it has also faced challenges. The departure of the Office's inaugural Executive Director, Kemba Hendrix, last year was a huge loss, particularly because the Office was born largely from her vision. Currently, we are in the final stages of selecting Kemba's permanent replacement. Secondly, the COVID-19 pandemic presented a major challenge to our Office, as it has to workplaces across the country. Due to the pandemic, our team has been unable to engage in as many on-site, in-person consultations with job seekers and presentations to the House community and external groups as originally intended. However, with the rate of COVID-19 infections decreasing, our Office is currently developing a plan to begin and then gradually increase our on-site, in-person consultations and presentations including, but not limited to, visits to colleges and universities, professional associations, and community organizations to inform these groups of opportunities in the House and how the Office of Diversity and Inclusion can offer support and resources.

The top priority of the Office of Diversity and Inclusion has always been and remains to encourage and assist Member offices and House Committees in the recruitment and hiring of diverse candidates. In addition to fulfilling this key part of our mission, the Office plans to take on several additional tasks during the upcoming fiscal year. I respectfully ask for your consideration and support of the following projects—

1. The Office plans to undertake an Intern Office Feasibility Study, the objective of which is to determine the feasibility of creating a centralized House internship and fellowship office to provide support services to Congressional interns and act as a resource hub for Standing Committees, Leadership Offices, and House offices. This study will address inequities in access to congressional internships and include the viability of establishing an intern stipend program for interns from underrepresented backgrounds.
2. The Office also plans to undertake a Talent Pipeline Study, the objective of which is to determine the feasibility of maintaining a centralized list of pipelines for diverse talent, including Historically Black Colleges and Universities (HBCUs), Hispanic-Serving Institutions (HSIs), and other minority-serving institutions and professional organizations.
3. The Office also plans to conduct a study of the demographics and pay information for interns across the House. The proposed data collection mechanism for this study would be a voluntary survey circulated to all House interns.
4. The Office, in collaboration with the House Task Force on a Diverse and Talented Workforce, is developing a strategy to regularly collect House workforce demographic and pay data.

In addition to these projects, the Office of Diversity and Inclusion will continue its daily work of engaging and educating the House community. To support the Office's ambitious undertakings this fiscal year and proceeding with funds that have already been authorized for this purpose, the Office is currently in the process of hiring three additional staff members—one Research and Data Analyst and two Candidate and Member Services Professional Staffers. Our Office is

thankful for your continued support. I am proud of everything our team has accomplished thus far and look forward to the Office continuing its exceptional work. Thank you for your consideration and support.

**Statement of E. Wade Ballou, Jr., Legislative Counsel
Office of the Legislative Counsel
U.S. House of Representatives**

**Before the House Subcommittee on Legislative Branch Appropriations
Regarding Fiscal Year 2023 Appropriations**

Mr. Chairman and distinguished Members of the Subcommittee, thank you for the opportunity to present to you the fiscal year 2023 appropriation request for the Office of the Legislative Counsel (Office).

I am pleased and honored to appear before you today in my capacity as Legislative Counsel of the House of Representatives. I appreciate the past and continuing support of the Office by Members of the Subcommittee. With that support, the Office, established on February 24, 1919, as the Legislative Drafting Service (section 1303 of the Revenue Act of 1918 (Ch. 18, 1141)), continues to fulfill its mission, now 103 years later.

Office Budget Request

For fiscal year 2023, I am requesting \$13,457,000 for the salaries and expenses of the Office.

Purpose

The purpose of the Office, as set out in statute (2 U.S.C. 281a), is to advise and assist the House of Representatives, and its committees and Members, in the achievement of a clear, faithful, and coherent expression of legislative policies. The Office achieves its purpose by applying the significant drafting, legal, and institutional expertise of our staff to a wide variety of requests for legislative drafting assistance at all stages of the legislative process. Our work is carried out on a nonpartisan and confidential basis. It is the goal of the Office to provide each client who seeks to engage with our services the analysis, experienced counsel, and careful attention to detail necessary to develop legislative text that accurately captures the client's policy and executes into current law as intended.

Increasing Need for Services of the Office

The primary legal service offered by the Office is the advice and drafting assistance we provide to clients preparing bills, resolutions, and other legislative documents (including amendments thereto) at all stages of the legislative process.

The number of drafts prepared by the Office with respect to each of the last 5 Congresses is illustrated by the following table:

	113 th	114 th	115 th	116 th	117 th (1 st Session only)
Bills Introduced	5,893	6,535	7,401	9,067	7,193
Bill Drafts Prepared	18,486	22,131	24,736	29,414	17,717
Resolution Drafts	1,697	1,944	2,260	2,373	1,505
Amendment Drafts	12,612	14,697	15,675	16,201	10,599
Total Drafts Prepared	32,795	38,772	42,671	47,988	29,821

Bills, resolutions, and amendments range from simple to complex solutions to public policy challenges and can range from mere requests for formatting to original drafting pursuant to provided specifications. As demonstrated by the table above, the numbers for requests of all types have been increasing substantially. The Office anticipates this trend to continue.

Strategy To Meet Increasing Needs of the House

With the funding provided by this Subcommittee, the Office will meet the increasing service needs of the House through a strategy focused on expanding the staff of the Office and identifying and acting on education- and technology-based opportunities.

Staff

The Office has 76 people on its permanent staff, including 56 attorneys. The Office also retains 5 retired attorneys on contract. Its management structure is flat, with the Legislative Counsel being the only attorney without an assigned portfolio of work. The attorneys are generally organized by subject-matter teams and form project-based teams as needed. The attorneys are supported by clerk-paralegals, publications specialists, information technology specialists, human resources specialists, and front office communications specialists.

The Office is hiring, training, and seeking to retain staff in numbers that will not only satisfy current levels of drafting demand, but also allow for the development of subject-matter teams experienced and robust enough to seamlessly handle future staff retirements and further increases in drafting demand. To this end, the Office is hiring attorneys at triple the rate of previous decades. In 2022, 6 attorneys will join our permanent staff and 4 rising third year law students will join as summer associates. The Office expects to continue hiring attorneys at not less than this rate for fiscal year 2023. The Office also expects to complete its hiring process for 5 additional people to serve in clerk-paralegal, human resources, and IT support roles.

These new staff members will require a rigorous training program. Using attorney training as an example, the Office uses an apprenticeship model, which has proven to be best suited for developing skilled and career-oriented legislative drafters. Under this model, attorneys with drafting responsibilities are also the primary trainers. Our increased hiring rate (while sustainable) results in a high percentage of attorneys spending significant time as trainers (40

percent of attorneys served as trainers in 2018, 47 percent in 2019, and 48 percent in 2020). Given this fact, the number of attorneys hired must be balanced against current drafting capacity needs. By necessity, though, some current drafting capacity is sacrificed for future gains. Training that is rushed or inadequate risks producing undertrained and overwhelmed attorneys, which leads to departures from the Office and reduced return on the time invested in recruiting, on-boarding, and training. Among attorneys hired since 1980, 38 percent of those who left the Office did so during years 0 to 3. The Office expects to continue balancing hiring rates and training needs in a manner that maximizes expansion, while allowing for the development of skilled drafters who remain with the Office for substantial periods.

A rigorous training program is only one of several tools necessary to retain staff as we work toward expansion and increases in functional capacity. From 2016 to 2020, the total experience years (years of Office service) of the attorneys of the Office declined significantly due primarily to a wave of retirements by long-tenured attorneys and the failure to increase hiring pre-2015 in anticipation of that wave. Experience-year gains will lag behind attorney-number gains, of course, but the Office expects that continued increases in hiring combined with a focus on retention will result in the Office exceeding past experience level highs and expanding functional capacity.

Attorneys							End of 2022 (projected)
	2012	2014	2016	2018	2020	2022	
Number of Attorneys	47	46	49	46	55	56	60
Attorney Experience Years	739	784	818	687	651	676	736
Average Attorney Experience Years	15.7	17	16.7	14.9	11.8	12	12.3

Pay and benefits are a cornerstone of these retention efforts. While the recent increase provided by the Speaker's pay order is both appreciated and helpful, if pay is to remain a positive retention factor in the future, it must continue to be adjusted annually for inflation. Flexible remote work may also provide recruiting and retention opportunities. Office policy prior to the pandemic included geographic location restrictions and limited teleworking. Today, the Office's demonstrated ability to work well from remote settings opens real possibilities for the flexibility necessary to keep staff who might otherwise relocate to accommodate a partner's job opportunities, meet childcare needs, or simply acquire more affordable living arrangements. Finally, the Office hopes that sustainable growth will better enable staff to meet the unexpected and sometimes conflicting surges in drafting demand that lead to frequent late night and weekend work, often without notice. Schedule uncertainty and a lack of time to draft well are factors in burnout and have been cited in exit interviews by those who have recently departed our Office. Hiring and retaining a staff properly sized to meet the drafting demand of the House will mitigate such burnout and allow for stability in staffing numbers that benefit the members of the Office and our clients.

Education

The Office has continued to expand educational offerings so that its staff and clients have the resources necessary to efficiently turn policy ideas into effective legislative text. As an example, in collaboration with the Congressional Staff Academy (CSA), the Office is currently offering a Legislative Counsel 101 (Leg Counsel and You) and a Legislative Counsel 201 (Working with Legislative Text) course. The Office has also been experimenting with short videos on discrete subjects that can be made available, on demand, to House staff (including a 5-minute video available through CSA in which one of our staff members clarifies the differences between “positive” and “non-positive” law). In addition, the Office will continue improving our House-facing website to include more information and resources designed to prepare clients to work successfully with our attorneys.

Along with these client-facing initiatives, the Office is simultaneously working to expand educational opportunities for our own staff. These initiatives include improving our partnerships with other congressional service offices, such as the Congressional Budget Office and the American Law Division of the Congressional Research Service. By strengthening these relationships we can improve the usefulness of our referrals and the subject matter research of our attorneys. Additionally, the Office will soon establish a reimbursement program for our staff to take courses to deepen their expertise in the subject matter areas in which they work. A better understanding of relevant law, particularly in relation to issues of emerging interest, will equip the Office to more effectively meet client needs. Finally, we plan to establish open house opportunities for House staff to meet with us to share questions, goals, ideas for improvement, and concerns.

Technology

The major nonpersonnel expenditures for the Office are associated with the maintenance and enhancement of existing Office software systems. We seek, in collaboration with the Office of the Clerk (Clerk), the Government Publishing Office (GPO), House Information Resources, and other stakeholders to plan, test, and place into service tools that improve our processes and allow the wider House community to better interact with legislative text. In this regard, our primary effort continues to be our collaboration with the Clerk regarding both our drafting tools (XMetal and the XML data format), and the Comparative Print Suite that will allow users to compare legislative documents, see in context the changes legislative documents make to existing law, and see in context the changes amendments make to legislative proposals. The Comparative Print Suite will provide significant self-service capabilities to our clients, allowing them to understand more quickly and conveniently the changes to, and impact of, their legislative text. The Office also works with the Clerk as well as with GPO and other stakeholders to develop and implement additional technology solutions related to legislative documents. This includes publishing the statute compilations that our staff develops and maintains (a resource previously available to few outside the Office).

Inside the Office, technology initiatives include maintaining an editable document library to make available drafting templates and other helpful information that streamlines internal

processes and eases information sharing, particularly for our large number of new staff. Further, the Office has used the remote work environment of the past 2 years to fully integrate the benefits of Microsoft Teams into our work process. From shared-screen features that make collaborative drafting and training significantly easier to chat functions that allow multiple colleagues to be effortlessly polled regarding a drafting or procedural question, the shared expertise of the Office has been harnessed in new ways through the use of MS Teams.

Conclusion

Thank you for the support this Subcommittee has given our Office. This support has enabled us to maintain the ability to provide efficient and expert drafting assistance to the Members and committees of the House. I, and all of our staff, are extremely proud of our work to consistently meet the legislative needs of the House, particularly during the exceptional circumstances of recent years.

This completes my testimony. I am happy to answer any questions that any Member of the Subcommittee may have.

E. Wade Ballou, Jr.
Legislative Counsel

Statement of Douglas N. Letter, General Counsel
Office of General Counsel
U.S. House of Representatives
Before the Legislative Branch Subcommittee
of the Committee on Appropriations
Regarding Fiscal Year 2023 Budget Request of the Office of General Counsel

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee. Thank you for the opportunity to present and explain the fiscal year 2023 (FY 2023) budget request of the Office of General Counsel ("OGC"). For FY 2023, OGC requests \$1,912,000 – \$1,716,000 for personnel costs and \$196,000 for non-personnel costs. OGC's FY 2023 budget request represents a flat-level request as based upon FY'22 enacted funds. A justification of the FY 2023 budget request appears below.

Functions of the Office

Pursuant to Rule II.8(a) of the Rules of the House of Representatives (117th Cong.), OGC is an office in the House that provides legal advice and representation to the House, and as appropriate to its Members, Committees, Officers, and employees, without regard to political affiliation, on matters related to their official duties. OGC functions pursuant to the direction of the Speaker, who, with respect to litigation matters involving the House, consults with the Bipartisan Legal Advisory Group (consisting of the Speaker, the Majority and Minority Leaders, and the Majority and Minority Whips). *See* House Rule II.8(a), (b). While it is difficult to furnish an exhaustive list of the types of advice and representation that OGC provides, OGC addresses the following matters with some frequency:

- **Judicial Proceedings:** OGC represents the House in litigation, and also represents Members, Committees, Officers, and employees, both as parties and as non-party witnesses, in litigation arising from or relating to the performance of their official duties, at the pre-trial, trial, and appellate levels. Among other responsibilities, OGC defends civil suits; moves to quash or limit subpoenas; represents the House and its Committees in suits for affirmative relief, such as enforcement of House subpoenas; represents the House in defending Acts of Congress that the Department of Justice has declined to defend; files amicus curiae briefs on behalf of the House or one or more of its constituent entities in cases that raise issues of significant institutional interest to the House and its Members; and applies to district courts, on behalf of Committees and Subcommittees, for immunity orders for witnesses.
- **Committee Subpoenas:** OGC provides advice to House Committees and Subcommittees in connection with the preparation, service, and enforcement of Committee and Subcommittee subpoenas, including advice and assistance in dealing with recalcitrant witnesses.

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- **Requests for Information:** OGC provides advice and representation to House Members, Committees, Officers, and employees in connection with responses to informal and formal requests for information (e.g., grand jury subpoenas, trial and deposition subpoenas, FOIA requests) from governmental agencies (including the Department of Justice), as well as from private parties.
- **Privileges:** OGC provides advice regarding the applicability of various privileges including, most particularly, the Speech or Debate Clause privilege (U.S. Const. art. I, § 6, cl. 1), but also executive, Fifth Amendment, attorney-client, attorney work product, and other privileges.
- **Tort Claims:** OGC reviews and evaluates tort claims for possible administrative resolution by the Committee on House Administration and, where appropriate, refers such claims to the Department of Justice for defense under the Federal Tort Claims Act, and then assists the Department with such defense.
- **Tax Matters:** OGC advises House offices and vendors regarding applicable tax exemptions for official purchases.
- **Constituent Casework:** OGC provides advice to Members and their staffs about the handling of constituent casework, including responding to questions that concern the confidentiality and discoverability of constituent communications and information.
- **Internal Policies:** In consultation with the Speaker's office and other leadership offices, OGC assists in drafting, amending, and evaluating internal House policies, rules, and regulations.
- **Formal Legal Opinions:** From time to time, OGC issues formal legal opinions on matters of interest to the House, Members, Committees, and/or Officers, including whether proposed legislation raises constitutional questions.
- **Social Media Guidance:** OGC advises Members, Committees, Officers, and staff regarding best practices for official social media platforms. There has been a considerable uptick in litigation involving social media accounts as well as in requests for best practices and guidance to ensure proper usage of social media by House Members and staff.
- **Other Matters:** OGC provides a great deal of day-to-day advice on a wide variety of other legal matters including, but not limited to, immigration, intellectual property, debt collection, jury duty, landlord/tenant disputes, and miscellaneous constitutional and separation of powers issues.

Demand for OGC's services has been extensive in recent years, as has the number of complex and high-profile legal matters the office has been asked to handle.

Justification for the FY 2023 Funding Level

At normal staffing levels, OGC is composed of the General Counsel, Principal Deputy General Counsel, several senior attorneys with extensive legal experience, together with law clerks, and an office administrator/member services director.

Based on the proposed funding level, OGC expects to be able to continue the same level of effective service it currently provides to the House. The significant bulk of OGC's budget request goes toward the personnel compensation needed to retain highly qualified attorneys and staff who handle the bulk of OGC's workload.

As noted in our budget request, there exists a distinct probability that OGC will be required to undertake significant litigation in the upcoming fiscal year. Such litigation may include cases in which the House authorizes OGC to initiate litigation, intervene or file amicus briefs in pending cases, or seek judicial enforcement of subpoenas issued by various House Committees. In past years, expenditures for outside counsel have often necessitated the reprogramming of funds to increase OGC's budget.

OGC proposes to handle this litigation in several possible ways. First, to the extent practicable, matters will be litigated by OGC attorneys and law clerks. In some circumstances, cases might be handled by OGC attorneys working with private attorneys from law firms or public interest litigation groups. OGC reasonably expects that, where necessary, substantial legal services will continue to be provided to the House by private attorneys on a pro bono basis, meaning that the House will not be billed for these services. However, some matters may require OGC to enter into contracts for paid legal services with private attorneys.

I would be pleased to respond to any questions the Subcommittee might have for me today. Thank you for your due consideration, it is an honor to serve the House.

Statement of Joseph C. Picolla, Acting Inspector General
Office of Inspector General
U.S. House of Representatives
Washington, D.C.
April 6, 2022

Before the House Subcommittee on Legislative Branch Appropriations

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee, thank you for this opportunity to share with you the important work of the Office of Inspector General (OIG) and our Fiscal Year (FY) 2023 budget request. The OIG's FY 2023 budget request seeks total funding of \$5,138,000. Our FY 2023 budget request is only 2.37% above the *Consolidated Appropriations Act, 2022 per P.L. 117-103*.

ORGANIZATION HISTORY

The Office was established in the U.S. House of Representatives (House) during the 103rd Congress by House Resolution 423 the "*House Administrative Reform Resolution of 1992*" to conduct periodic audits of the financial and administrative functions of the House and of joint entities. Since the first Inspector General of the House was appointed in November 1993, the OIG has worked closely with House Leadership, the Committee on House Administration, House Officers, joint entities, and this Subcommittee to: improve the operational effectiveness of the House, reduce inefficiencies and costs, improve service to Members and Committees, identify and deter fraud, and identify risks to the legislative process and to the House. Today's OIG offers traditional audit services as well as proactive analysis and guidance through its management advisory services. The office consists of 25 Fulltime Equivalent (FTE) positions staffed by experienced, dedicated professionals, all of whom possess either a bachelor's or advanced degree, one or more relevant professional certifications, and have extensive public or private sector work experience.

Our FY 2023 budget request funds the OIG's essential mission consistent with our history of value-added services and rigorous fiscal stewardship. Our request is based upon our work plan, and it helps to ensure that the OIG can quickly respond to special projects as needed. Each year, we take considered, deliberate steps to reduce costs without sacrificing fundamental office needs, product quality, or our mission to provide recommendations to improve performance and accountability with House resources including financial, administrative, and technology-based operations. Specifically, we do this in part by leveraging existing bulk purchase agreements, negotiating favorable pricing for contract purchases, and, when we can, internally absorb mandatory cost of living allowances (COLAs); something we were able to do every year since FY 2014. The focus upon stewardship enabled us to proactively release funds for reprogramming when our operational and mission funding exceeded our projected spending.

This year, through careful examination of our programs and by employing a zero-based budgeting approach, our FY 2023 budget request is only 2.37% over our FY 2022 appropriation. This would be the first increase in our appropriation in five years. Our current budget request is merely 1.8% more than our FY 2011 appropriated budget.

I am especially proud that our office has been able to minimize our requested budget increases while continuing to fulfill the OIG's important mission to the House. This achievement is underpinned by two key values. First, we highly value ongoing, open communication with stakeholders to understand their needs and challenges. This important, mutual investment in dialogue and cooperation enable us to *focus our work on topics that matter to the House*. Second, we invest in our staff through training and mentoring. As part of our staff's professional development and consistent with our core values of integrity, excellence, and innovation, we provide training and feedback to help build each person's knowledge, skills, confidence, and teamwork. This tangible demonstration of our appreciation for the staff's abilities, dedication, and contributions while concurrently reducing the need for costly outside expertise is a "win-win" for the staff and the House.

HIGHLIGHTS OF THE OIG'S WORK IN THE 117TH CONGRESS

The OIG issued 11 reports and has 12 ongoing audits and advisories in various stages of work and approval thus far in the 117th Congress. The reports span the OIG's diverse range of services including financial, performance, information systems audit services as well as management advisory services.

Financial Audits. Financial audits review the effectiveness and efficiency of House financial operations and accounting. Our effort primarily involves overseeing an external certified public accounting (CPA) firm's annual audit of the House financial statements. As you know, external CPA firms offer an opinion at the conclusion of an audit. An *unmodified opinion* is the best rating given by auditors, *and it is the one the House earned for FY 2020*. Specifically, the external auditors concluded in their FY 2020 financial statement audit report that:

"The House's financial statements as of and for the fiscal years ended September 30, 2020, and 2019, are presented fairly, in all material respects, in accordance with U.S. generally accepted accounting principles."

It is a notable achievement for the House that this marks the 23rd consecutive year that the external auditors expressed an unmodified opinion on the House's financial statements.

Performance Audit Services. Performance audits evaluate the efficiency and effectiveness of the House administrative functions and the adequacy of the associated internal controls. These audits benchmark policies and procedures against best practices. During the first session of the 117th Congress, OIG staff published reports on audits of the District Offices Lease Process, the House Revolving Fund for Equipment, and the Student Loan Repayment Program.

Information Systems Audit Services. Information Systems (IS) audits assess the security, integrity, and availability of House information resources and evaluate the adequacy and effectiveness of House policies and procedures related to information systems. Like Performance Audits, IS Audits benchmark House IT policies and practices to industry best practices. During the first session of the 117th Congress, the IS audit staff published reports on comprehensive audits of the Sergeant at Arms and the Clerk's information technology recovery plans to determine if their disaster recovery processes, plans, and procedures are adequate, effective, and will support prompt recovery of crucial House functions in the event of a system disruption or failure. A similar audit is nearly finished for the Office of the Chief Administrative Officer's information technology systems.

Management Advisory Services. Management Advisory Services assists the House by identifying ways to proactively improve the effectiveness and efficiency of operations, and by looking forward at new trends and future opportunities. During the 117th Congress, the Advisory Services staff published an advisory on House emergency communications processes for the Sergeant at Arms, provided advice related to selection of new emergency announciators and potential alternative options, and examined the feasibility of adjusting the statutory limit on the number of Member office employees for the CAO. We also wrapped up work with staff from the Office of the Clerk to document the process and data flows within the Legislative Process. This document is extremely valuable to gain an understanding of the potential risks to the Legislative Process from system disruptions or changes.

Investigative Services. Investigations may be prompted by information gathered in audits, advisory engagements, or tips. The OIG, in coordination with, and oversight by, the Committee on House Administration, may execute inquiries into allegations of fraud, waste, and abuse in the administrative operations of the House. If there appears to be potential criminal activity that warrants a law-enforcement investigation, we consult with the Committee on House Administration and, if appropriate, refer the matter to the Sergeant at Arms and U.S. Capitol Police. During the 117th Congress, the OIG continues its efforts to deter fraud by increasing fraud awareness across the House community.

FOCUS FOR REMAINDER OF THE 117TH CONGRESS

Difficult challenges, some new and some old, face the House during the second session of the 117th Congress. These will continue, and new challenges will emerge in the coming years. Areas such as cybersecurity and safety take on increased significance based upon the sometimes-sudden changes in the cyber and physical threat landscapes. In addition, since the onset of the COVID-19 pandemic, cybersecurity risks and remediations have evolved with many House Members and staff working remotely, at least a portion of time.

The OIG does its part to identify and help mitigate significant risks to the House by finding opportunities for improving the efficiency and effectiveness of House operations. Our annual planning process is the keystone in this work. Annual planning helps ensure communication and coordination with audit and advisory stakeholders and produces a focused, risk-based plan centered on the most critical aspects of House operations, the legislative process, and the

security of life, property, and information. The OIG has finalized our 2022 proposed work plan in coordination with the House Officers and the Committee on House Administration. The result is a collaborative plan that addresses the House's most important issues.

Overall, the OIG's services will continue to help provide information to House stakeholders that help shield the House from significant financial losses, damage to the House's reputation, harm to its people and visitors, misuse and destruction of its information, and delays and disruption to House operations. We aim to provide relevant, accurate, and timely information to those we serve in the House.

FISCAL YEAR 2023 BUDGET REQUEST DETAILS

The OIG's Fiscal Year (FY) 2023 budget request seeks total funding of \$5,138,000. This amount includes \$4,010,168 for mandatory items, \$23,000 in price level increases, \$1,096,746 for program current services, and a \$8,086 increase in program changes.

Our programs' current and continuing services include contract funding for the annual audit of the House financial statements by an external certified public accountant firm; software licensing and support agreements; relevant publications, resources, research services, and guidance for audit, advisory, and investigative work; supplies and equipment; communications service plans; technical service support; staff training to increase in-house knowledge and to remain in compliance with government audit standards; and when necessary, other specialized subject matter experts to support the wide range of engagements performed by our office.

Our budget request accounts for changes in the Speaker's Pay Order (SPO) effective August 2021, which led to adjustments in the Personnel Base Adjustment-HEPCA and Personnel Base-SPO. Changes to the House Schedule increased several salaries and simultaneously reduced the amount of COLA applied to our personnel budgets. Additional internal budget adjustments and reductions were realized through the zero-based budgeting process which enhances our forecasting for recurring program needs and making realistic estimates for each program's execution. As noted earlier, we continue to negotiate more advantageous pricing and achieve cost-savings through leveraging House-wide licenses, we negotiate price through the Office of Acquisitions Management, and we invest in staff through training and mentoring that minimizes the need and cost for outside experts.

Chairman Ryan, Ranking Member Herrera Beutler, and the Members of this Subcommittee, thank you for this opportunity to present the work of the OIG and its FY 2023 budget request. Our office looks forward to working with the Subcommittee, the Committee on House Administration, Leadership, and the House Officers and Officials to continue our role of providing risk-based audits, advisories, and recommendations. Our focus will continue to be on issues of high importance to the House and its ability to conduct its operations efficiently and effectively in accordance with applicable laws, rules, and best practices.

Finally, please know that every person in the Office of Inspector General believes in our mission and is honored to be of service to the House. Thank you for hearing my testimony. It is my honor to answer any questions you may have.

STATEMENT OF

RALPH V. SEEP

LAW REVISION COUNSEL OF THE U.S. HOUSE OF REPRESENTATIVES

to the

Subcommittee on Legislative Branch

of the House Committee on Appropriations

Mister Chairman and Members of the Subcommittee:

Thank you for the opportunity to appear before you to present the budget request of the Office of the Law Revision Counsel (Office) for fiscal year 2023. The Office was "established in the House of Representatives" by section 205 of House Resolution No. 988, Ninety-third Congress, which was enacted into permanent law by Public Law 93-554. The Office continues to fulfill its mission and appreciates the continuing support given to us by the Subcommittee and Congress.

Mission

The OLRC serves the House of Representatives, Congress as a whole, the legal community, and the general public by producing and maintaining the United States Code, which is the official codification of the general and permanent statutory law of the United States. The mission of the OLRC is to make the United States Code "the free Code of choice" for the Hill community and the general public by ensuring that the official Code is the most accurate and accessible version available, whose currency rivals or exceeds the versions produced by the private sector.

Budget Request

For fiscal year 2023, I am requesting \$3,746,000 for the Office to sustain operations with respect to existing personnel and ongoing technology needs.

Continuing Operations.--The amount of \$3,746,000 represents a 4.06 percent increase over the amount appropriated by the Consolidated Appropriations Act, 2022, Public Law 117-103. This amount will allow for the continuation of current personnel, including salary adjustments, routine maintenance and replacement of equipment, and the continuation of service contracts for editorial work and technical support.

House Modernization Project.--Work progresses on the House Modernization Project begun at the behest of House leadership. While no additional funding for the House Modernization Project is being requested in the Office's fiscal year 2023 budget, the replacement of the antiquated

technology currently used for publishing is a priority. The Office continues to work with the Office of the Clerk and with the Composition System Replacement Group of the Government Publishing Office (GPO), supporting their efforts to develop the ability to maintain congressional data in United States Legislative Markup (USLM) and publish directly from USLM files, both online and in print.

Functions of the Office

The principal functions of the Office are specified by chapter 9A of title 2 of the United States Code. They are: (1) to maintain and keep current the official version of the Code, and (2) to prepare legislation to enact individual titles of the Code into positive law.

Maintaining the United States Code

The United States Code contains the general and permanent laws of the United States, organized into titles by subject matter. The two primary tasks in maintaining the Code are classifying new laws and updating the text.

Classifying New Laws.—Every law enacted by Congress is read in its entirety by a number of attorneys to identify the general and permanent provisions and any amendments that should be classified to the Code and to decide where in the Code they should be placed. The Office gives the highest priority to this classification function, and the classification of a law is normally completed by the time it is signed by the President. While thoroughness and accuracy are the prime concerns, speed is also important so that classifications can be posted online and the required edits be executed in the Code online and made available to the public as quickly as possible.

Updating the Text.—Updating the text of the Code includes not only integrating new statutory provisions into existing text, but also preparing extensive editorial material enabling users to find, track, and understand the updates. This editorial material includes statutory citations and amendment notes to help track the legislative history, notes to explain such things as effective dates, cross references appearing in text, and a variety of other matters, tables to indicate the status of statutory provisions and their location in the Code, and an index. A number of Federal court rules and executive documents are also prepared and published as they are often closely connected to statutory material.

The Office publishes the Code, in both searchable and downloadable versions, on its public website and updates it continuously throughout the legislative year. The Office also publishes, in printed form, a complete new version of the Code once every six years and annual cumulative supplements in the intervening years.

Timeliness of Publication; Improvements in Organization

Timely Publication.—The timely update of a publication of the size and complexity of the Code is a challenging task and depends heavily on the training and expertise of the staff of the Office. The Office places a high priority on retaining existing staff and also seeks to retain the services of retired employees by contracting with them for part-time work. As a result of the efforts of experienced staff, the Office has consistently published online updates in a timely manner

without sacrificing the high level of accuracy that is expected and demanded of the official United States Code.

The Office maintains a current, easily accessible online Code in addition to producing the print Code. The Office continues to streamline its editorial practices to tailor them for an online publication that is continuously updated throughout a congressional session. The Office updated the Code online approximately 30 times during the First Session of the 117th Congress. Bulk data is made available for download in a variety of formats (XML, XHTML, PDF, and locator text files) with every update. Updates to the main table indicating the status of statutory provisions and their location in the Code, which have traditionally been published at the end of each congressional session, are now being made more frequently to correspond with publication of updates to the Code text. The Office continues to strive for timely updates of the Code through innovative editorial practices that take advantage of emerging technological possibilities.

Improvements in Organization.—As part of its ongoing mission to produce both a useful and a usable Code, the Office undertakes reclassification projects to identify areas of law that have become difficult to navigate or convert into XML and to improve their organization. Some past projects have improved the organization of laws within various existing titles of the Code, and others have even created new editorial titles containing material that had been scattered throughout the Code. More detailed information on these projects is available at <http://uscode.house.gov/editorialreclassification/reclassification.html>. In addition to carrying out the reclassification projects themselves, the Office drafts and submits bills that amend existing statutory references so that they reflect the newly reorganized provisions.

Positive Law Codification

The second principal function of the Office is to prepare legislation to enact individual titles of the United States Code into positive law as required by 2 U.S.C. 285b. The Code currently consists of 27 positive law titles and 26 non-positive law titles (one title is reserved). A positive law title is a title that has been enacted into law by Congress in the form of a title of the Code. In contrast, a non-positive law title is an editorial compilation by the Code editors (the Office of the Law Revision Counsel or its predecessors) of various acts separately enacted into law by Congress.

Positive law codification is a complex process. It may take a codification attorney a year or more to prepare a codification bill for introduction. There is an extensive period for comment and review as the draft bill is prepared and submitted to the House Committee on the Judiciary. Congressional committees, Government agencies, legal experts, and members of the public are invited to review and comment on the bill to ensure that the meaning and effect of the law as restated in the new title remains unchanged and to achieve the best possible organizational structure for the new title.

If revisions are required after the bill is introduced in the House, the codification attorneys prepare the necessary amendments. The codification attorneys may prepare a new version of the draft bill, which is then reported by the Committee on the Judiciary as an amendment in the nature of a substitute. Typically, the bill is passed by the House under suspension of the rules. In the

Senate, the bill goes to the Committee on the Judiciary and the process continues until the bill is passed by the Senate, typically by unanimous consent. In most cases, a codification bill must be updated several times for new legislation and reintroduced in several Congresses before finally being enacted. The codification attorneys are involved throughout the process, working with the staffs of House and Senate committees, Government agencies, and others to perfect the bill and move it toward enactment.

In the second session of the 117th Congress, the Office is working with the staff of the Senate Judiciary Committee on passage of 8 bills prepared by the Office that the House passed in the first session. The Office also has requested comments on a bill to enact into positive law title 6, “Domestic Security”, and plans to shortly do the same for a bill to enact into positive law title 48, “Territories and Insular Possessions”. The Office continues to work on several other codification projects.

House Modernization Project

No additional funding for the House Modernization Project is being requested in the Office's fiscal year 2023 budget, but the work is ongoing. The House Modernization Project was originated in 2012 as a set of interrelated projects being undertaken by the House Office of the Law Revision Counsel and the House Office of the Legislative Counsel in consultation with representatives from the Committee on House Administration, the Legislative Computer Systems branch of the Office of the Clerk, and the Acquisitions Management branch of the Office of the Chief Administrative Officer.

In the Office of the Law Revision Counsel, work on the House Modernization Project proceeds in three stages. In the first stage, a conversion tool was designed and implemented to enable the Office to convert the United States Code into XML. Since July 2013, the Office has made the Code available for use and bulk download in XML through the Office's website.

In the second stage, a new system for codification bills was designed and implemented to enable the Office to produce codification bills and associated material in XML. The old production tools were outdated. The new production tools enable the Office to draft bills in XML. In the summer of 2015, the new system was delivered. It is being used for live production work, and refinements are underway to continue to improve functionality.

In the third stage, a new XML-based system for editing and updating the United States Code is being designed and implemented. Currently, the Office uses a specialized suite of internally developed software programs to edit and update the Code. The current methodology works well to promote accuracy and efficiency, but it is an outdated, MicroComp-based system. The bill classification component of the new system is substantially complete, and work continues on the editing and updating components. The goal is to transition to the new system for Code production later in 2022.

USLM is a state-of-the-art schema developed as part of the Office's work on the House Modernization Project. The USLM schema is designed to be extensible, and it is increasingly being considered as the emerging standard for maintaining congressional data. Congress needs to replace

the antiquated technology currently used for publishing, and the Office continues to work with the Office of the Clerk and with GPO's Composition System Replacement Group, supporting their efforts to develop the ability to maintain congressional data in USLM and publish directly from USLM files, both online and in print.

Website for the United States Code

The budget request includes an amount for continuing maintenance of the website. Upgrades to the search engine for the United States Code database and the user interface of the Office's website were released during fiscal year 2011, fiscal year 2013, and fiscal year 2017. Critical updates for the software supporting the backend of the website were deployed during fiscal year 2021. An accessibility review of the site and adjustments to the site as may be recommended by that review are envisioned when feasible, consistent with other IT needs of the office.

The website provides the United States Code to Congress and the public as a thoroughly searchable reference, functions as a portal for access to the United States Code in bulk data formats, and provides information to users about positive law codification bills, editorial reclassification projects, and frequently asked questions about the Code. The Code is updated throughout the year on the website, which also provides bulk data download functionality in a variety of formats. The website also tracks for Congress and the public the Office's codification bills and editorial reclassification projects as these projects proceed to publication. The services of the contractor are required to maintain the website and address minor functionality issues as they arise. When the House Modernization Project has been completed and the Office has acquired the ability to maintain and produce Code data in XML, the website will again be upgraded to provide related improvements to users.

Conclusion

Thank you for giving me the opportunity to present the fiscal year 2023 budget request of the Office of the Law Revision Counsel and for the Subcommittee's support for the Office. This support has enabled the Office to maintain, update, and improve the United States Code. I will be pleased to respond to any questions that you may have.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE ED CASE

Catherine Szpindor, Chief Administrative Officer

Cheryl L. Johnson, Clerk

William J. Walker, Sergeant at Arms

U.S. House of Representatives

Committee on Appropriations

Subcommittee on Legislative Branch

United States House of Representatives Fiscal Year 2023 Budget Request

April 6, 2022

Congressional member organizations

Background: In 2015, the Committee on House Administration established a new process which allowed certain Congressional member organizations (CMOs) to use a shared account to pay staff. Those CMOs who use this system are called ECMOs. While managing payroll has become easier for ECMOs, the process is still new, and not all CMOs with staff have become ECMOs.

Question:

1. What percentage of CMOs with staff have registered as ECMOs? Are there any recurring issues for ECMOs in navigating the new policy?
2. Does the Chief Administrative Officer have any recommendations to improve the administration of ECMOs or CMOs?

Answer:

1. As of April 22, 2022, there are 409 active CMOs and a handful of CMO requests under review and expected to be processed soon. Of the 409, 12 (3%) CMOs have registered as Eligible CMOs (ECMOs).

Congress	Number of ECMOs	Number of Employees Covered by an ECMO Agreement
114 th	4	24
115 th	6	42
116 th	8	43
117 th	12	51

ECMOs have experienced minor recurring issues with obtaining signatures from Members donating their Members' Representational Allowances (MRA) funds and positions to the ECMO.

2. Absent changes to how ECMO's are funded or Member employee positions are designated in statute, the CAO could not identify any recommended procedural changes. The fundamental structure of ECMOs and subsequent processes are governed by House Rules and Committee on House Administration regulations. The changes since the 114th Congress have reduced paperwork and provided more ECMOs and employees greater access to service and benefits. The increase in the number of ECMOs and the number of employees covered by an ECMO agreement demonstrates the value of this change.¹

¹ Eligible Congressional Member Organizations Report to the Subcommittee on Legislative Branch Appropriations on June 8, 2021. Page 3

Central Staff Contact Database

Background: Legislative branch political, office and agency staff need to be able to connect by email and otherwise with other legislative staff. Unfortunately, there is no central staff contact database that is managed and updated by the House, Senate, support offices or support agencies. Consequently, individual offices either purchase access to third-party databases, which cost thousands of dollars per year per user, or do without this vital information.

Question:

1. What resources would be required to establish a central Congressional staff directory free of charge to every office in the legislative branch?

Answer:

1. House Information Resources (HIR) envisions outsourcing the technical development and estimates the cost to be \$400-600K over 9-18 months. This estimate is based on the following assumptions:
 - The Office of the Clerk will partner to extend functionality of <https://directory.house.gov/#/>.
 - Other agencies will agree to collaborate and provide funding, technical resources, and access to their databases.
 - HIR will obtain approval to integrate data from various systems of record (potential privacy issues).

House Inspector General

Background: Inspectors General (IGs) provide independent oversight over various government operations, helping to uncover evidence of waste, fraud, and abuse. The House IG provides helpful recommendations for improving the performance, accountability and integrity of House operations but does not oversee all parts of the House or all parts of the legislative branch.

Question:

1. Are there any gaps in oversight of the legislative branch broadly?
2. Which legislative branch agencies lack an IG, and what steps can be taken to better coordinate oversight with the other IGs that work for the legislative branch?

Answer:

1. From the perspective of having an internal Inspector General, there are no broad gaps in the larger Legislative Branch agencies. Those that have an Office of Inspector General (OIG) tend to be larger entities consisting of several organizational divisions with responsibilities for a wide range of functions. These entities include the:

1) Architect of the Capitol	3) Government Publishing Office
2) Government Accountability Office (GAO)	4) Library of Congress
	5) U.S. Capitol Police

Of course, the House has an Inspector General; the Senate does not.

2. Several smaller, independent agencies that support Congress (such as the Medicaid and CHIP Payment and Access Commission, Medicare Payment Advisory Commission, Open World Leadership Center, and the Congressional Budget Office)² do not have their own Inspectors General. Based upon their sizes and roles relative to those listed above, I do not think

² USA.gov Website, "Branches of the U.S. Government", <https://www.usa.gov/branches-of-government#item-214496>, information retrieved April 27, 2022.

these entities represent large gaps in oversight by a dedicated OIG. If a question or concern arises, Congress could ask the GAO to audit the agency.

The Legislative Branch OIGs work independently. Each develops its own audit plan, conducts its own training, and reports to its agency head (except for the House OIG, which operates under the direct oversight of the Committee on House Administration.)

In addition, the House OIG is authorized under clause 6 of House Rule II; the five offices listed above are authorized under the IG Act of 1978³ and its various revisions.⁴ House Rules provide the House OIG certain unique capabilities and explicit report distribution requirements that are different for OIGs authorized under the IG Act. For example, the House OIG may offer *advisory services* to the House, but the other IGs do not offer this service. “IG Act” OIGs may have a law enforcement component, whereas the House OIG cannot. Regardless of the differences, the heart of IG work is to identify, assess, and offer recommendations to address risks in the government environment.

Risks are at the root of fraud, waste, and abuse. Identifying and assessing risks is the foundation of annual audit planning and audit prioritization. Considering that perspective, I think there are numerous opportunities for the Legislative Branch OIGs to collaborate and perhaps leverage one another’s expertise.

One opportunity for collaboration between the Legislative Branch OIGs would be an annual or semi-annual meeting to develop a broad view of risks facing the Legislative entities. It may help discover gaps between “OIG silos” and result in audit plans that have complementary efforts to address the gaps. This meeting may also highlight areas of similar risks, hopefully resulting in discussion about the best approaches to perform related audits.

A second opportunity may be to coordinate training that would benefit all the OIGs. For example, the cyber environment is a serious topic today. The landscape changes rapidly and requires nearly constant consumption of new knowledge and techniques to effectively assess risk and to plan cyber-related

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audits. Coordinating training could help reduce costs and concurrently build similar knowledge in each OIG. This approach would also help build relationships between staff in the offices and expand the pool of resources to share ideas and seek help, as appropriate.

Mr. Case, I hope these responses address your questions. I am available at your convenience to further discuss these or other questions you may have.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE ED CASE

Catherine Szpindor, Chief Administrative Officer

Cheryl L. Johnson, Clerk

William J. Walker, Sergeant at Arms

U.S. House of Representatives

Committee on Appropriations

Subcommittee on Legislative Branch

United States House of Representatives Fiscal Year 2023 Budget Request

April 6, 2022

Congressional member organizations

Background: In 2015, the Committee on House Administration established a new process which allowed certain Congressional member organizations (CMOs) to use a shared account to pay staff. Those CMOs who use this system are called ECMOs. While managing payroll has become easier for ECMOs, the process is still new, and not all CMOs with staff have become ECMOs.

Question:

1. What percentage of CMOs with staff have registered as ECMOs? Are there any recurring issues for ECMOs in navigating the new policy?
2. Does the Chief Administrative Officer have any recommendations to improve the administration of ECMOs or CMOs?

Answer:

1. As of April 22, 2022, there are 409 active CMOs and a handful of CMO requests under review and expected to be processed soon. Of the 409, 12 (3%) CMOs have registered as Eligible CMOs (ECMOs).

Congress	Number of ECMOs	Number of Employees Covered by an ECMO Agreement
114 th	4	24
115 th	6	42
116 th	8	43
117 th	12	51

ECMOs have experienced minor recurring issues with obtaining signatures from Members donating their Members' Representational Allowances (MRA) funds and positions to the ECMO.

2. Absent changes to how ECMO's are funded or Member employee positions are designated in statute, the CAO could not identify any recommended procedural changes. The fundamental structure of ECMOs and subsequent processes are governed by House Rules and Committee on House Administration regulations. The changes since the 114th Congress have reduced paperwork and provided more ECMOs and employees greater access to service and benefits. The increase in the number of ECMOs and the number of employees covered by an ECMO agreement demonstrates the value of this change.¹

¹ Eligible Congressional Member Organizations Report to the Subcommittee on Legislative Branch Appropriations on June 8, 2021. Page 3

Central Staff Contact Database

Background: Legislative branch political, office and agency staff need to be able to connect by email and otherwise with other legislative staff. Unfortunately, there is no central staff contact database that is managed and updated by the House, Senate, support offices or support agencies. Consequently, individual offices either purchase access to third-party databases, which cost thousands of dollars per year per user, or do without this vital information.

Question:

1. What resources would be required to establish a central Congressional staff directory free of charge to every office in the legislative branch?

Answer:

1. House Information Resources (HIR) envisions outsourcing the technical development and estimates the cost to be \$400-600K over 9-18 months. This estimate is based on the following assumptions:
 - The Office of the Clerk will partner to extend functionality of <https://directory.house.gov/#/>.
 - Other agencies will agree to collaborate and provide funding, technical resources, and access to their databases.
 - HIR will obtain approval to integrate data from various systems of record (potential privacy issues).

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Mr. Case, I hope these responses address your questions. I am available at your convenience to further discuss these or other questions you may have.

WEDNESDAY, APRIL 27, 2022.

**FISCAL YEAR 2023 BUDGET REQUEST FOR THE LIBRARY
OF CONGRESS**

WITNESSES

DR. CARLA HAYDEN, LIBRARIAN OF CONGRESS

ACCOMPANIED BY:

J. MARK SWEENEY, PRINCIPAL DEPUTY LIBRARIAN OF CONGRESS

**SHIRA PERLMUTTER, REGISTER OF COPYRIGHTS/DIRECTOR OF THE
U.S. COPYRIGHT OFFICE**

**DR. MARY MAZANEC, DIRECTOR, CONGRESSIONAL RESEARCH SERV-
ICE**

JUDITH CONKLIN, CHIEF INFORMATION OFFICER

**JASON BROUGHTON, DIRECTOR, NATIONAL LIBRARY SERVICE FOR
THE BLIND AND PRINT DISABLED**

OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. The committee will come to order.

This hearing is fully virtual, so we need to address a few house-keeping matters.

First, for today's meeting, the chair or chair's staff designated by the chair may mute participants' microphones when they are not under recognition for the purposes of eliminating inadvertent background noise.

Second, members are responsible for muting and unmuting themselves. If I notice when you are recognized that you have not unmuted yourself, I will ask you if you would like the staff to unmute you. If you indicate approval by nodding, staff will unmute your microphone.

Third, you will notice a clock on your screen that will show how much of the 5-minute clock is remaining. If there is a technology issue, we will move to the next member until the issue is resolved, and you will retain the balance of your time.

Fourth, we will begin with the chair and ranking member. Then members present at the time the hearing is called to order will be recognized in order of seniority.

Finally, House rules require me to remind you that we have set up an email address which members can send anything they wish to be submitted in writing at any of our hearings. The email address has been provided in advance to your staff.

Today, we are conducting three panels. First, the Library of Congress, then the Government Publishing Office, and finally, the Architect of the Capitol. We will take a 10-minute recess between Library of Congress and GPO panels. However, we will remain on this video feed, so members do not have to log off. The Architect

of the Capitol hearing is scheduled for 2 p.m. today, and we will reconvene at that time.

I would like to welcome the Librarian of Congress, Dr. Carla Hayden, to present the fiscal year 2023 budget request for the Library of Congress.

Dr. Hayden, it is always a pleasure to hear from you and your team. I see them behind you. So at the beginning of your testimony, please introduce your colleagues who will be joining you today.

I would like to thank each of you for the extraordinary work you and your teams do for Congress and your devoted patrons.

I also would like to thank Sarah Boliek, Mary Klutts, and the budget team, and the CRS staff for all their work during the fiscal year 2022 appropriations process. This staff can be relied on at all hours, and we appreciate that.

Since its founding, the Library of Congress, the largest library in the world, continues to engage, inspire, and inform millions of patrons. Over the past few years, the Library has made significant strides in the areas of modernizing essential technology and optimizing operations to facilitate easier and robust access to its collections for Congress and the public. These collections are invaluable. They teach us of things past and the possibilities of things to come.

Currently, resources for the Library of Congress are 13.4 percent of the entire Legislative Branch budget, totaling a little over \$794 million in appropriated funds in fiscal year 2022.

For fiscal year 2023, the Library has requested \$824.9 million. This updated request is \$7.2 million less than the amount cited in the President's budget, and an increase of 3.9 percent, or \$30.9 million, over the fiscal year 2022 enacted total.

Dr. Hayden, I look forward to your testimony. I hope you can expand on the Library's 10 new initiatives totaling \$24 million that aim to increase your investments in IT, ensure the safety of the Library's \$170 million worth of collections, and provide the best visitor experience.

At this point, I would like to yield to my colleague and friend from the Pacific Northwest, the ranking member, Jaime Herrera Beutler, for any opening comments that she would like to make.

OPENING STATEMENT OF RANKING MEMBER HERRERA BEUTLER

Ms. Herrera Beutler.

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

It is great to see you, Dr. Hayden, and your team from the Library for being here. I was laughing to myself because these are all the books I have checked out from the Library. I have not read them all, but they are right where I can see them when I wake up so that I read them all. So thank you. You fulfill such an important role for all of us.

So Chairman Ryan went through kind of the budget request already, and I think that—so I am not going to rehash those numbers, but your request also asks for additional resources for new or expanded programs in technology innovation, financial infrastructure optimization, expanded engagement with visitors to the Library, and strengthening data analysis expertise. And we talked a little bit about some of this earlier.

As the largest library in the world, the Library of Congress receives some 15,000 items each working day and adds more than 10,000 items to its collection. Among its responsibilities, the Library provides Congress with objective research to inform the legislative process and administers the national copyright system.

It is great to see your doors back open—we talked a little bit about this—for visitors and researchers and your program opportunities being done online as well for those of us who have constituents a little bit further away than the D.C. Metro area. So I look forward to your testimony today.

And, with that, Chairman Ryan, I yield back.

Mr. RYAN. Thank you, Ms. Herrera Beutler.

CHAIRMAN OUTLINES PROCEEDINGS

Mr. RYAN. Dr. Hayden, at the beginning of your testimony, please remember to introduce any of your colleagues who will be joining you during your presentation today. Without objection, your written testimony will be made part of the record.

Dr. Hayden, please summarize your statements for the members of the committee. Once you have finished your statement, we will move to the question and answer.

Please begin. The floor is yours.

TESTIMONY OF DR. CARLA HAYDEN

Dr. HAYDEN. Thank you, Chairman Ryan, Ranking Member Herrera Beutler, and members of the subcommittee. We appreciate this opportunity to give testimony in support of the Library's fiscal 2023 budget.

And I am joined by my colleagues. Starting to my left, Shira Perlmutter, who is the Register of Copyrights; next, Mr. Mark Sweeney, our Principal Deputy Librarian; to my right, far end, Mary Mazanec, who is the head of the Congressional Research Service; and immediately to my right is Judith Conklin, who is our head of OCIO, our Chief Information Technology Officer.

And 2 years ago, the Library did have to close its doors as the pandemic began, and we moved quickly and successfully to adopt new and innovative approaches to serving Congress and the American people virtually under unprecedented conditions. In fact, the pandemic accelerated our ongoing efforts to engage the public virtually and share our collections and services in new and exciting ways that allowed us to reach more people across the Nation.

So thanks to the dedication and innovation of our workforce during the past year, critical mission efforts were able to proceed, including the Congressional Research Service and the United States Copyright Office. They were able to operate largely as normal.

We also were able to produce a full year of virtual programming, including our National Book Festival, and we continued to work for the unveiling of the Visitor Experience that will begin in 2023.

I would like to take this opportunity to express my gratitude to Congress for their support of the Library's priority needs, including our Library Collections Access Platform, L-CAP, the replacing our outdated security systems, and all of the things that are allowing us to operate virtually.

So I come before you today to discuss the Library's fiscal 2023 appropriations request, and it is an increase over the previous year for critical program investments that are necessary for us to continue to meet our mission.

With the new and modern IT infrastructure in place, thanks to your support, we are now using continuous innovation and delivery to ensure that we are constantly optimizing and modernizing the technology we use.

The cloud has become an important part of our IT planning, and the fiscal 2023 request seeks to establish a dedicated cloud management program that will enable us to integrate the cloud solutions into our traditional IT infrastructure, while supporting all of our business needs. The Congressional Research Service needs to adapt and optimize its information system, IRIS.

Also, the Library seeks funding to stabilize our financial infrastructure. That is essential to all of our operations. That includes increased funding for the hosting of the Legislative Branch Management System—Financial Management System that supports eight Legislative Branch agencies.

Also, this request this year is funding for phase two of Enterprise Planning & Management for the Library's Cost Center of Excellence. This will modernize and optimize our payroll operations. Many of them are now in a manual state.

The Copyright Office seeks to expand its data analysis capacities in economic research and fee analysis so that they can have better information about their decisions with fees. And as we prepare to unveil the Visitor Experience, we are requesting additional funds for visitor engagement staff. And the Library expects a significant increase in visitors in the next 3 to 5 years.

So, in closing, the Library's 2023 justification includes strategically placed modernization efforts, and with the support of Congress, we will continue to strengthen our institutional capacity to carry out our mission. I look forward to answering any of your questions or concerns.

[The information follows:]

**Statement of Carla Hayden
The Librarian of Congress
Before the
Subcommittee on the Legislative Branch
Committee on Appropriations
U.S. House of Representatives**

Fiscal 2023 Budget Request

April 27, 2022

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee:

Thank you for the opportunity to provide testimony in support of the Library's fiscal 2023 budget.

The Library of Congress has built one of the largest collections of human knowledge ever assembled, in support of our mission to engage, inspire, and inform the Congress and the American people with a universal and enduring source of information and creativity. My top priority as Librarian of Congress remains expanded user access to the Library's resources and services. We are an authoritative source of knowledge that enriches the American people in countless ways. We constantly strive to find new ways to share our extraordinary riches with the nation.

Two years ago, the Library had to close its doors as the pandemic began. We moved quickly and successfully to adopt new and innovative approaches to serving the Congress and the American people. I am pleased to report that we continued to make progress in sharing more of the Library's collections, programming, and staff expertise beyond the four walls of the Library. In fact, the pandemic accelerated our efforts to engage the public virtually and share our collections and services in new and exciting ways, allowing us to reach even more people across the nation.

In fiscal 2021, with the support of the Congress, the Library continued to build the collections and engage users. The Library reduced the cataloging arrearage by 1.2 million items, created online resources, reopened reading rooms, welcomed visitors and researchers, and resumed the Surplus Books Program, among many other activities. The Library's Center for Learning and Engagement produced a year full of exciting virtual and hybrid programming, including the 21st National Book Festival. Essential services, including the Congressional Research Service and the United States Copyright Office, were able to operate largely as normal. The National

Library Service for the Blind and Print Disabled implemented a long-awaited change that made it easier for people with reading disabilities to enroll for services. With congressional support and private philanthropy, we continued to work toward unveiling the Library's enhanced Visitor Experience in phases, beginning with the Treasures Gallery in fall 2023. The Library also reached an important milestone during the pandemic, with over 7.5 million items under inventory control in its preservation facility at Fort Meade and a new collection storage module completed. In another significant marker, for the first time, the Library's production information technology foundation exists fully outside of the Capitol Hill campus. With the completion of the Library's Data Center Transformation effort, the Office of the Chief Information Officer (OCIO) is now hosting the Library's more than 100 production IT systems and nearly 90 petabytes of data across a modern hybrid hosting environment.

Today, the Library holds nearly 174 million physical items, including special collections consisting of audio materials, maps, moving images, sheet music and much more. A single copy of our digital collections requires 26 petabytes of storage—that is roughly the equivalent of 13 trillion pages of printed text. If you piled up that many pages, you could reach the moon more than three times with these stacks of stored knowledge. The material on the Library's websites alone totals 5 petabytes.

Over the last year, approximately 2.2 million Preservation actions were performed on items in the Library's physical collections, with a further 3.4 million pages of materials prepared and shipped to vendors for preservation reformatting services. The Library responded to 730,562 reference requests from Congress, the public, and other federal agencies, including direct use of CRS reports. The Copyright Office issued over 403,771 copyright registrations and recorded 8,252 documents containing 961,291 titles. Library web sites recorded more than 178 million visits and nearly 618 million page views. We circulated more than 21.5 million copies of braille, audio and large print items to patrons, via the National Library Service for the Blind and Print Disabled and its network of state and local libraries. Moreover, even with pandemic restrictions, the Library welcomed nearly 30,000 in-person visitors.

The Library also continued direct services to the public with programs like the Veterans History Project, which collects the stories of our nation's veterans, and Teaching with Primary Sources, which allows teachers in local school districts to create curricula and develop apps using the Library's digitized primary sources.

I would like to express my sincere gratitude for the ongoing and remarkable support that this committee and all of Congress give to the Library. In particular, I appreciate the funding you have provided in fiscal 2022 to meet high-priority needs such as the new L-CAP -- Library

Collections Access Platform -- that is the heart of Library operations; replacements for the Library's outmoded Integrated Electronic Security System and the 3G Cellular Distributed Antenna System; and installation of a cloud-based office productivity suite for all Library employees.

I come before you today to discuss the Library's fiscal 2023 appropriations request. This budget request reflects the resources needed for us to sustain the Library's mission of service to Congress, access to the creative record of the United States, and stewardship of the cultural heritage of the American people. The budget request is aligned with the goals and objectives of the Library's Strategic Plan: Expand access, enhance services, optimize resources, and measure impact. To advance these strategic goals, the budget requests additional resources for several new or expanded programs. All of the requests are in support of the Library's mission and vision that all Americans are connected to the Library of Congress and invest in a vibrant future for this institution.

The Library of Congress fiscal 2023 budget request is for \$871.8 million, which represents a 3.9 percent increase over the Library's fiscal 2022 enacted appropriation. This request includes \$30.8 million in mandatory pay and price level increases. The balance of the increase represents critical program investments necessary to fulfill the Library's role and to sustain continuous technology innovation and delivery; continue stabilization and optimization of the financial infrastructure; expand active engagement with visitors to the Library; and strengthen data analysis expertise in life cycle costing and cost estimating as well as data analysis for evaluating and setting Copyright fees.

The fiscal 2023 budget continues many of the strategic modernization and optimization efforts the Congress has supported in recent years for the Library. As I am sure other government agencies are experiencing, rapidly evolving technology and public expectations have required us to adjust, and in some cases expand, multiyear efforts that are underway to enhance the IT and operations of many of the Library's service units. The budget request also addresses staffing gaps that have arisen as a result of absorption of mandatory pay and price level increases. It builds staff capacity we must have to respond to technological advancement. The budget also addresses skills in areas such as data analysis and cost estimation that are required to meet the Library's fiduciary responsibilities.

Sustaining continuous technology innovation and delivery

As I have reported before, at the Library, we have fundamentally rebuilt our technology foundation. The large investment in Library IT over the last few years is already paying dividends. As the nation continued to respond to the COVID-19 pandemic, the Library's more

robust IT infrastructure allowed us to sustain remote operations for the majority of the Library's workforce for the entire fiscal year. It also paves the way for ongoing efforts to expand and enhance the major IT systems that support the Library's business operations and its digital offerings to Congress and the public.

Most importantly, we are not merely updating existing applications and systems. We have completely re-envisioned how we manage and use technology at the Library. With new, modern IT infrastructure in place, we have stabilized our operations and we are moving to a model of carefully constructed continuous innovation and continuous delivery to ensure that we are constantly optimizing and modernizing the technology needed to meet the needs of Congress and the American people.

As in the private sector and other government agencies, the cloud has become an important part of our IT planning at the Library. Its ability to quickly scale services to meet changing needs and its capacity to support accessibility and collaborations across a wide range of users are powerful tools that are essential as we continue our digital transformation. As we mature our use of the cloud at the Library, we are following the federal 'Cloud Smart' strategy, which calls for cloud solutions to be integrated with our traditional IT infrastructure to seamlessly support our business needs.

Of course, greater use of the cloud comes with some challenges too. The Library requires specialized resources to properly implement and administer cloud services and ensure that we can make the most of our cloud operations. The Library's request for a dedicated Cloud Management Program will provide OCIO with the expertise necessary to ensure essential cloud management practices, monitor cloud-based applications for compliance and security, coordinate development of advanced IT solutions, and ensure maximum value from existing IT infrastructure.

The Library must also continue to mature its IT planning, project management, and governance to sustain the pace of digital transformation and the growing demand for new and enhanced technology to support services to Congress and the nation. Audit findings from the Government Accountability Office and the Office of the Inspector General have reinforced the need for the Library to mature its IT cost estimating, schedule management and quality review practices, and improve OCIO's ability to meet federal standards and industry best practices for IT project management. The Library's fiscal 2023 request includes in-house expertise and contract support to respond to the significant volume of pre-planning project related activities, project challenges, and evolving audit recommendations.

The Congressional Research Service also seeks, in partnership with OCIO, to adapt and optimize its Integrated Research and Information System (IRIS) in a technology landscape that changed dramatically since its initial planning and procurement in 2018. This request is critical for the completion of the initial IRIS configuration using commercially available cloud-based tools to meet specific CRS requirements for authoring and publishing, content management, and congressional relations management, while insuring integration with CRS legacy IT systems and research tools. It will also establish and staff a sustainment and development program, using the continuous innovation and continuous delivery (CI/CD) model employed for major Library IT systems, including Congress.gov. IRIS will significantly improve the manner in which CRS analytical staff author and publish reports and memoranda, manage data and tacit knowledge, and maintain timely and functional analytics on products and services. CRS IT systems must be up-to-date to meet congressional needs.

Continuing stabilization and optimization of financial infrastructure

A stable and optimized financial infrastructure is essential to everything the Library does. A necessary shift to the cloud for the Legislative Branch Financial Management System (LBFMS) added workload in financial reporting, and an unintegrated personnel and payroll system also need prompt attention.

The Library's Financial Systems continues to manage hosting of the LBFMS as a shared service for the legislative branch. The LBFMS funding model, and support provided by the Congress, is essential to the success of the initiative. Sharing a financial system and consolidating some financial management tasks save the Legislative Branch more than \$3.3 million annually, across the eight participating agencies.

However, with the migration of the LBFMS to the cloud, funding challenges exist because system hosting and application management costs exceed the \$1.06 million annually received from Congress. The increased cost has been pro-rated among LBFMS agencies and covered by the Library's funds. At the request of the LBFMS Steering Committee, comprised of representatives of the partner agencies, the Library requests funding to cover the \$700,000 increase in the cost of hosting and operating the system in the cloud. The Library's intention is to maintain consistent year-to-year funding requirements for both the Library and our partner LBFMS agencies cost share, so that all can better plan for LBFMS costs for future years. The eight Legislative Branch agencies cross-serviced through the LBFMS believe the most efficient method to address the additional costs is for Congress to provide the funding directly to the Library for LBFMS operations, rather than increase each agency's budget by a prorated amount

and then have the Library charge each agency separately. The Library cannot unilaterally cover the increased costs from its budget.

Stabilization and optimization efforts continue to meet challenges in financial reporting. Important improvements have been made, including hiring the Library's first comptroller. The Library also recently received its 25th consecutive unmodified audit opinion. However, Financial Reports (FR) now has an increased workload to support the Library's cross-servicing partners and to meet expanded Department of the Treasury reporting requirements. Continued stabilization and optimization of the financial reporting functions are important not only to fulfill the Library's external reporting requirements, but also to meet FR's responsibility for setting accounting standards and preparing Library of Congress regulations and process directives, which ensures that the Library has good internal controls that are tested and validated throughout the year. The request includes FTE to address additional accounting workload and reporting responsibilities, as well as contractor services to update and create essential financial reporting and financial system documentation, procedure guides, and training materials.

The Library also requests funding to implement an integrated and optimized personnel and payroll processing system. Currently, staff must enter data in different legacy systems, causing leave balance discrepancies and issues resulting from manual payroll and personnel action request reconciliation, and the use of manual forms causes errors. It also presents challenges with retirement package tracking, making it difficult for retirees to get the information they need. This request would shift the Library's personnel and payroll processing service provider from the National Finance Center system, to the Department of the Interior's Integrated Business Center (IBC). A full-scale migration to the IBC personnel and payroll system will result in significant cost avoidance and mitigate the lost time currently devoted to correcting problems in a non-integrated and non-automated system.

Expanding active engagement with visitors to the Library

The Library is reimagining the visitor engagement model to meet the changing needs of audiences in a post-pandemic world. Visitor operations will increase dramatically with the opening of the Treasures Gallery, the first phase of the Visitor Experience when it opens in fall 2023. The Library expects to welcome more than 2 million visitors annually in the next 3 to 5 years, compared to 1.6 million in 2019. The Visitor Experience will add 12,000 square feet of public space to the Library. Funding is requested to add staffing for the Library's Visitor Engagement Program, which will support the expanded public space and will enhance the

active engagement and safety of visitors, including your constituents, use of the Jefferson Building, and the collections.

Strengthening data analysis expertise in life cycle costing and cost estimating as well as in evaluating and setting Copyright fees

In concert with efforts to stabilize and optimize its financial infrastructure, the Library requests funding for the second phase of the Enterprise Planning & Management (EPM) initiative, which will enable the strategic use of the Library's planning and operational data as a catalyst to drive more effective decision making and improved performance of Library projects, programs, and investments. Phase two is the next step in implementing an integrated planning process and maturing a Cost Management Center of Excellence, which will pilot new cost estimating and data analytics capabilities by establishing the staff expertise and processes necessary to optimize cost management. Subsequent requests will include a new technology platform to replace legacy systems nearing the end of their useful lives.

Finally, the Copyright Office seeks to expand its capabilities in economic research, fee and cost analysis, and statistics funded fully with Copyright Office offsetting collections. There is a mission-critical need to establish expertise in economic research and analysis specific to issues of copyright and the impact of fee changes on participation in the copyright system. The Office must also improve its capacity to perform cost and fee analysis and to manage, validate, and report on the statistics and metrics that affect its costs, revenue, and fee analysis. These capabilities are crucial for the Office to manage its operations effectively and to better demonstrate to the Congress, its users, and other stakeholders that it is using an evidence-based process for evaluating and setting fees, which currently make up approximately 50 percent of the Office's annual budget.

In closing, the Library's 2023 Congressional Budget Justification continues a sequence of strategically planned modernization efforts across the enterprise. With the strong support of Congress, the Library continues to optimize and modernize operations and technology to strengthen institutional capacity to carry out the mission undeterred by changing realities.

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee, thank you again for supporting the Library of Congress and for your consideration of our fiscal 2023 request.

**Statement of Mary B. Mazanec
Director, Congressional Research Service
Before the
Subcommittee on the Legislative Branch
Committee on Appropriations
U.S. House of Representatives
April 27, 2022**

Chairman Ryan, Ranking Member Herrera Beutler and Members of the Subcommittee,

Thank you for the opportunity to present the fiscal 2023 budget request for the Congressional Research Service (CRS). I would like to thank the Committee for your support of our fiscal 2022 request.

My testimony today will outline CRS's budget requirements for the coming fiscal year, including the need for additional resources to advance the Service's IT modernization efforts. In addition, I will highlight some of the noteworthy support CRS provided to Congress during fiscal 2021, and bring the Committee up-to-date on developments related to a number of our strategic initiatives.

SERVICE TO CONGRESS

As we begin the restoration of onsite operations, I want to reaffirm CRS's commitment to its mission to provide Congress "the highest quality of research, analysis, information, and confidential consultation, to support the exercise of its legislative, representational, and oversight duties." Last year, I was proud to report on the resilience and dedication of CRS staff in fulfilling this important responsibility while overcoming the many challenges presented by the pandemic. As another year has passed under these difficult circumstances, CRS's determination to carry out its mission endures. CRS prides itself on providing timely and authoritative information, research, and analysis for its sole client, the U.S. Congress. Recent examples of our responsiveness include products and services on the Russian invasion of Ukraine and the Supreme Court nomination of Judge Ketanji Brown Jackson.

During fiscal 2021, CRS experts provided extensive research and analytical support on a variety of issues before Congress including border security; climate change; cybersecurity; federal disaster relief and emergency management; access to digital broadband technology; proposals to create an Advanced Research Projects Agency for health; tax policy; immigration; and the U.S. military presence in Afghanistan. Analysts and legislative attorneys assisted Congress in its

consideration of the many issues and programs, proposed as part of the American Rescue Plan Act of 2021, the Infrastructure Investment and Jobs Act of 2021 and the National Defense Authorization Act for Fiscal Year 2022. With respect to COVID-19, CRS provided consultation and analysis on the fiscal response to the pandemic, legal issues presented by vaccination requirements, PPE production and distribution, and liability issues related to the manufacture and distribution of vaccines. In addition, CRS staff continued to provide guidance on the legislative process, congressional oversight, and the annual appropriations bills.

In fiscal 2021, the Service produced over 90 videos and podcasts featuring CRS analysts and legislative attorneys discussing a host of topics including: the Supreme Court's recent term; federal research and development funding; regulatory issues in the energy sector; capital markets and securities regulation; military readiness; and federal disaster assistance programs. CRS also continued its offering of seminars and programs for congressional staff, including sessions on Understanding Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI); Law Enforcement Use of Facial Recognition Technology; the Federal Law Update series; and numerous programs addressing military and defense-related issues.

In total during fiscal 2021, CRS experts responded to over 71,000 congressional requests; prepared over 1,100 new products; updated over 2,200 existing products; and conducted 273 seminars that were attended by approximately 13,300 congressional participants. In addition, CRS information specialists completed 250 Geographical Information System (GIS) projects, incorporating visualized geographical data in a variety of CRS products. As in previous years, the Service provided support to almost every Member and committee office through the provision of its products and services.

STRATEGIC INITIATIVES

CRS continues to work toward achieving the goals and objectives identified in its 2019-2023 Directional Plan and has begun the development of its strategic goals and objectives for the next strategic planning cycle. The following is a summary of the Service's progress during fiscal 2021 in advancing some of the key initiatives undertaken to accomplish the goals in its current directional plan.

Knowledge Management

CRS is developing and implementing strategies to manage, preserve, and capture the institutional knowledge that it relies upon to provide exceptional service to Congress. The Service utilizes its Research Portal as a hub for digital resources, to provide staff with quick and easy access to information needed to research, analyze and advise on legislative issues. The Research Portal has

been particularly useful during the COVID-19 pandemic, while most CRS staff have been working remotely. In addition, CRS is engaging in efforts to ensure the capture and timely transfer of the tacit knowledge held by senior analysts, attorneys, and information professionals. Activities to facilitate the sharing of information, knowledge, and best practices have enabled new staff to learn from the experience of their colleagues. In fiscal 2021, CRS established a Knowledge Management Advisory Group to work closely with the research divisions and offices on knowledge management and to develop plans for the preservation of knowledge. This fiscal year, CRS will be implementing various aspects of its information resource instructional program providing our staff with best practices on training techniques such as adult learning and virtual instruction, to enhance our audiences' training experience.

IT Modernization/Integrated Research and Information Systems (IRIS)

Robust information technology is a critical and indispensable tool in today's workplace. To that end, CRS continues to work with the Library's Office of the Chief Information Officer (OCIO) to modernize its IT infrastructure with the deployment of new tools and software to enhance support to congressional stakeholders. The Integrated Research and Information System (IRIS) initiative is a multi-year effort to update the Service's mission-specific information technology to provide CRS staff with the best resources to create and deliver products and services to Congress. CRS and OCIO are currently executing several major work streams to include CRS.gov website redesign, taxonomy and enterprise search, authoring and document management, as well as the Text Analysis Program (TAP) for supporting bill summaries and bill comparisons. Technical solutions have been adapted to maintain alignment with Library and legislative branch cloud strategies. Projects are currently proceeding consistent with contractual requirements, schedules, and resources and are being informed by both internal CRS staff as well as our congressional stakeholders. These efforts are essential to modernizing CRS mission critical applications to achieve the Library's "digital first" strategy and meet the evolving needs of Congress.

Congress.gov

In fiscal 2021, CRS partnered with OCIO to continue to actively engage with House Clerk and Secretary of the Senate data partners to modernize legislative data interchanges. Replacing legacy data processing workflows with new data interchanges will better safeguard congressional data. Enhancements to Congress.gov that will improve access to accurate, timely, and complete legislative information include: the first "Century of Lawmaking" migration (adding more than 33,000 bills and resolutions dating from 1799-1873); searchable law texts dating from 1951; searchable Congressional Record dating from the 1900s; improved committee hearing announcements and transcript access; and the creation of an on-demand, searchable

Help Center. CRS and our Library colleagues are appreciative of the ongoing high-performing partnerships with House, Senate, and GPO colleagues as legislative data workflows, tools, and standards continue to be modernized through collaborative efforts.

Constitution of the United States of America: Analysis and Interpretation (CONAN) Modernization

Known officially as the “Constitution of the United States of America: Analysis and Interpretation,” CONAN serves as the official record of the U.S. Constitution for Congress. In 2019, CRS collaborated with OCIO and the Law Library to introduce a new website for CONAN: constitution.congress.gov. The new site features hundreds of pages of updated constitutional analysis and content. In fiscal 2021, CRS legislative attorneys have continued to provide comprehensive analysis of the Supreme Court’s jurisprudence as it relates to every provision of the U.S. Constitution, including the implications of recently decided cases. CRS legislative attorneys have also been preparing the print decennial 2022 edition of CONAN. Covering Supreme Court interpretations of the Constitution through the Court’s October 2021 term, the decennial 2022 edition will feature a revised format designed to integrate the print version of CONAN with its digital counterpart at www.constitution.congress.gov. Since the launch of the public website in 2019, CONAN has received over seven million unique visitors to the site and its pages have been viewed over seventeen million times.

Improving Recruitment and Retention of a Diverse and Productive Workforce

CRS continues to recruit, retain, and professionally develop a diverse, highly skilled workforce to meet the evolving needs of Congress. Specific goals for diversity and inclusion are identified in the CRS Operations Plan around recruitment, training, and communications. Updates on diversity and inclusion efforts are communicated to staff through messages from leadership, and CRS’s staff newsletter.

The Service has developed and executed a recruitment plan for merit selection positions that includes outreach to potential applicants from underrepresented groups. During fiscal year 2021, CRS participated in 42 recruitment events many of which were sponsored by minority-serving institutions and schools or organizations with a focus on underrepresented groups and has participated in 25 of such events thus far in fiscal 2022. The Service also supported a variety of paid summer internship opportunities through our Student Diversity and Inclusion Internship Program. To inform future efforts, CRS has engaged with Texas A&M University’s Bush School of Government on a capstone project to research strategies for improving the recruitment and retention of a diverse workforce and is working with other Library of Congress offices to conduct a barrier analysis focused on the CRS workforce.

CRS continues to offer training opportunities for leadership, writing and presentation skills and has developed customized statistics training to support staff professional development. The Service also continues to host programs open to all staff and supervisors, aimed at fostering a more inclusive and respectful workplace such as “Connecting with Respect”; “Microaggressions in Everyday Life”; “Anti-Harassment Training”; and “Embracing Allyship.”

FISCAL 2023 BUDGET REQUEST AND PRIORITIES

The CRS budget request for fiscal 2023 is 132.600 million dollars, an increase of 3.494 million dollars (or 2.7 percent) from the amount previously appropriated. Included in the budget request is 5.326 million dollars for mandatory pay related and price level increases, a program increase of 2.169 million dollars and 8 FTEs, and a 4 million dollar non-recur for the Integrated Research Information Systems (IRIS) initiative. Almost 90 percent of the requested appropriation would be dedicated to staff pay and benefits.

In addition, planning is underway for the January 2023 New Member Seminar. CRS is looking forward to greeting the freshman class of the 118th Congress, particularly in light of the program’s hiatus in 2021 due to the pandemic.

As noted, IRIS promises to provide a secure, reliable IT environment to support CRS’s work for Congress in four key areas: information research, policy and data analysis, content creation, and product delivery. With culmination of the initiative scheduled for fiscal 2023, additional resources will be needed to support the continuous development and sustainment of CRS’s newly modernized IT systems. In a joint request with OCIO, CRS is requesting 2.169 million dollars, primarily to hire 8 FTE positions that will support IRIS’s implementation and maintenance.

Looking forward to fiscal 2023, CRS will continue to work with OCIO to deploy new IT tools that will enhance its ability to deliver timely, authoritative information and analysis and provide innovative product and service offerings that meet the needs of an ever evolving Congress.

CONCLUSION

Mr. Chairman, Ranking Member Herrera Beutler and Members of the Subcommittee, on behalf of my colleagues at CRS, I would like to express my appreciation to the Committee for your continued support. CRS greatly values its role in support of the important work of Congress. Each day, the Service strives to carry out its mandate to provide Congress with timely, authoritative, non-partisan, and objective support to inform the legislative debate. Thank you for your consideration of our fiscal 2023 request.

Statement of
Shira Perlmutter
Register of Copyrights and Director, U.S. Copyright Office
Before the
Subcommittee on the Legislative Branch
Committee on Appropriations
United States House of Representatives
April 27, 2022

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee:

Thank you for the opportunity to submit the United States Copyright Office’s fiscal 2023 budget request.

As the principal federal entity charged with administering the Copyright Act, the Copyright Office has responsibility for overseeing the national copyright registration and recordation systems, advising Congress on copyright policy and legislation, working with the Department of Justice and other federal agencies on copyright litigation, conducting administrative and regulatory activity with respect to statutory copyright licenses, and educating the public about copyright. We do all of this with a relatively small staff who are dedicated to copyright’s Constitutional mission of “promot[ing] the progress of science and useful arts.”¹

In January of this year, the Office published a new strategic plan for 2022–2026, *Fostering Creativity and Enriching Culture*.² Our plan identifies four overarching goals: Copyright for All, Continuous Development, Impartial Expertise, and Enhanced Use of Data. These goals, aligned closely with those of the Library of Congress, are intended to make the copyright system more accessible, understandable, and up to date. All of the Office’s activities described below are directed toward advancing these goals.

KEY ACCOMPLISHMENTS OVER THE PAST YEAR

Since my testimony last year, the Copyright Office has achieved many noteworthy successes while handling continuing operational challenges, including those posed by limits on on-site operations as a result of the global pandemic. It is important to acknowledge the

¹ U.S. CONST. art. I, § 8, cl. 8.

² U.S. COPYRIGHT OFFICE STRATEGIC PLAN 2022–2026: FOSTERING CREATIVE & ENRICHING CULTURE (Jan. 2022), <https://copyright.gov/reports/strategic-plan/USCO-strategic2022-2026.pdf>.

talented staff who implement our vision of “[e]nriching the nation’s culture by empowering and connecting the global copyright community.” As of April 8, 2022, the Office had 452 staff on board, including the new Copyright Claims Board. Among full-time career employees, the Office has a minority representation of 52.1%, and women comprise 59.5%. For fiscal 2022, the Office anticipates completing approximately thirty hiring actions to cover backfills.

Adapting Operations to the Pandemic

Over the last two years, the Office has risen to the challenge of working in a pandemic environment. The Office successfully transitioned 98% of the staff to full or partial telework in March 2020, and over the last year and a half staff have gradually come back to the office in accordance with the Library’s plan for restoring on-site operations. Now that the Library has fully returned to on-site operations, the Copyright Office has between 30 to 49% of staff in the office on any given day of the week, supplemented by expanded telework schedules. Further, the Office has now phased out the temporary timing adjustments my predecessor and I issued pursuant to the 2020 Coronavirus Aid, Relief, and Economic Security Act (CARES Act)³ and is diligently working to address the backlog of physical materials processing that developed while the Madison Building was closed.

Registration and Recordation

We continue to effectively administer the national registration and recordation systems. In fiscal 2021, the Office registered 403,771 claims to copyright involving millions of works. The Registration Program has continued to improve most processing times: the average overall processing time for examining all copyright claims stands at 3.6 months in the first half of fiscal 2022. For fully electronic claims that do not require correspondence, the average processing time is down from an average of 1.6 months to 1.1 months.⁴ The pandemic did temporarily impact processing times for electronic applications that required the submission of physical deposits, as well as paper applications, but these are also beginning to decrease (to an average of 10.8 months and 8.3 months, respectively). Now that Registration examiners are

³ U.S. Copyright Office, NewsNet, Copyright Office Ending CARES Act Timing Adjustments (Dec. 29, 2021), <https://www.copyright.gov/newsnet/2021/941.html>; U.S. Copyright Office, NewsNet, Copyright Office Extends Time for Section 710 Declarants to Submit Deposits (Feb. 3, 2022), <https://www.copyright.gov/newsnet/2022/945.html>.

⁴ Registration processing times are posted on our website at <https://copyright.gov/registration/docs/processing-times-faqs.pdf>. For the October 1, 2021 – March 31, 2022 time frame, 75% of all registration claims were eService claims (online claims and electronic deposits); about 23% were deposit ticket claims (online claims with separately mailed physical deposit materials); and about 2% were mail claims (paper claim forms and physical deposits).

returning onsite regularly, we expect the processing times for claims with physical deposits to soon approach those for fully electronic claims.

With respect to recordation, in fiscal 2021 the Office recorded 11,625 documents (both on paper and through the new electronic pilot) containing titles of 961,291 works.⁵ The recordation pilot, launched in April 2020, has significantly shortened processing times. The average time from submission to generation of the public record is approximately six weeks. Unfortunately, delays caused by the pandemic, when recordation staff were unable to retrieve submissions between March and June 2020, resulted in lengthy processing times for paper recordations.⁶ Overtime is now being used to process these paper documents.

Law, Policy, Public Outreach, and Licensing

In the area of law and policy, the Office continued its longstanding role of providing expert advice, without any pandemic-related interruption. We commenced regulatory work to implement the Copyright Alternative in Small-Claims Enforcement Act (CASE Act) immediately after it was passed in December 2020 (see discussion below). In 2021, the Office issued policy studies on the market impact of termination of certain section 119 licenses, on unclaimed music royalties and best practices recommendations for the new Mechanical Licensing Collective (MLC), and on state sovereign immunity from infringement claims. We also provided letters to members of Congress on a number of issues (ranging from state legislation on licensing of e-books to public libraries to “do it yourself” music licensing). We completed the eighth triennial Section 1201 rulemaking proceeding under the Digital Millennium Copyright Act (DMCA) to establish temporary exemptions to the prohibition against circumvention of technological measures that control access to copyrighted works. As of January 2021, the Office had fully implemented all regulations to administer the 2018 Music Modernization Act (MMA),⁷ including the new blanket mechanical license as well as rules involving pre-1972 sound recordings. The Office will maintain a proper oversight role as directed by the statute and the legislative history, as well as engage in education and outreach activities. The Office also continued to provide legal advice and assistance across the

⁵ There are three primary types of documents that may be submitted for recordation: transfers of copyright ownership, other documents pertaining to a copyright, and notices of termination. Our pilot is currently focused on only the first category (section 205 documents), but we are working on expanding it.

⁶ Recordation processing times are posted on our website at <https://copyright.gov/recordation/>. The Office of Copyright Records is currently processing March 2020 basic (section 205) recordation filings and June 2021 notices of termination. The average processing time for paper submissions in fiscal 2021 was approximately 15 months, and that was an increase of 3.5 months from the average fiscal 2020 processing times. Regardless of the processing time, the effective date of recordation is the date the Copyright Office receives the complete submission in acceptable form.

⁷ Orrin G. Hatch–Bob Goodlatte Music Modernization Act, Pub. L. No. 115-264, 132 Stat. 3676 (2018).

government regarding complex areas of copyright law and policy, including Supreme Court and appellate litigation and interagency collaboration on international matters and trade.

The Office has engaged in numerous outreach activities to provide clear and accurate information on copyright law. We regularly produce events to educate the public and stakeholders about copyright, including events to reach music and songwriter communities with information about the MMA. In fiscal 2021, staff fielded some 252,000 public inquiries and produced almost two dozen virtual events. Our Public Information Office and our two reading rooms re-opened in July 2021 and currently provide in-person services by appointment. With respect to licensing matters, the Office continued our effective stewardship of over \$1.2 billion in statutory licensing revenues as of the end of fiscal 2021. For the fourth consecutive year, we received an unmodified or “clean” audit opinion of the statutory licensing fiduciary asset financial statements.

UPDATE ON SIGNIFICANT ONGOING INITIATIVES

The Office’s fiscal 2023 funding request seeks the resources necessary to implement our strategic goals to provide expert policy advice and enhance the use of data in our ongoing work. Below we highlight progress to date and ongoing work related to two particularly important initiatives.

Launching the Copyright Claims Board

The Office has been working intensively to set up the groundbreaking small claims tribunal called the Copyright Claims Board (CCB). First, we are nearing completion of the significant regulatory activity needed to implement the CASE Act. All but one of the needed regulations have been issued and are in force, and the last one is expected to be issued before the CCB opens for claims this spring. Second, we have completed all hiring for the CCB, including the three Copyright Claims Officers,⁸ attorneys, and support staff. Third, we are collaborating with other Library units to put in place a case management system, virtual hearing capabilities, office space, and other needs for the CCB to begin its operations. Finally, one critical component is to produce and make accessible to members of the public information about the CCB’s operations. The Office developed a webpage that contains facts, FAQs, and other materials on the CCB.⁹ In addition, we also recently launched a new website, ccb.gov, which contains more detailed information about the tribunal and links to additional resources

⁸ See U.S. Copyright Office, NewsNet, Copyright Office Announces Appointments of Copyright Claims Board Officers (Jul. 20, 2021), <https://www.copyright.gov/newsnet/2021/906.html>.

⁹ See U.S. Copyright Office, Copyright Small Claims and the Copyright Claims Board, <https://copyright.gov/about/small-claims/>.

such as legislative history and rulemaking activity. It will also be the portal through which to file claims; it already is receiving opt-out requests.

On November 30, 2021, I notified Congress that I found good cause to extend the commencement of CCB operations past the initial statutory date of December 27, 2021, to allow the Office “to ensure that the regulatory framework, resources, and infrastructure needed to establish a well-functioning forum are fully tested and can operate smoothly.”¹⁰ The CCB will launch later this spring, before the end of the 180-day extension permitted by the statute.

Office Modernization

Our modernization initiative continues to be a top priority. The Office has now completed the third year of the Congressionally appropriated five-year funding (fiscal 2019–24) for modernization of our IT systems. Under the agency’s centralized IT structure, the Office continues to work closely with the Library of Congress’s Office of the Chief Information Officer (OCIO) to provide the business information needed for the IT development work. The planned Enterprise Copyright System (ECS) currently includes workstreams on recordation, public records, registration, and licensing. The Library’s OCIO is leading work on user experience design and platform services—that is, the design and architecture capabilities underpinning the ECS.

Recordation: The Office met our spring 2020 target to launch the public pilot of the new electronic recordation system, enabling the electronic recordation of documents related to copyright ownership under section 205 of title 17. Work is underway to build out features related to notices of termination, as well as to incorporate user feedback to make iterative improvements. I am pleased to report that we anticipate opening up the pilot fully to the public for section 205 recordations in spring 2022.

Public Records: In late 2020, the Office released a pilot for the new Copyright Public Records System (CPRS), which will eventually replace the existing Copyright Office Online Public Catalog with an improved interface for public records (which includes post-1978 registration and recordation records), along with advanced search functionality. The Office is continually working to reflect user feedback in ongoing releases. Given the success of this project, we anticipate making the CPRS the main public portal later in spring 2022.

¹⁰ U.S. Copyright Office, Letter to the President of the Senate (Nov. 30, 2021), <https://copyright.gov/laws/hearings/CCB-Letter-to-Congress-Senate-11-30-2021.pdf>; U.S. Copyright Office, Letter to the Speaker of the House (Nov. 30, 2021), <https://copyright.gov/laws/hearings/CCB-Letter-to-Congress-House-11-30-2021.pdf>.

Registration: Registration is the largest and most complex module of ECS. Foundational design efforts were completed in April 2020. A limited clickable prototype for the standard application (the one used by most claimants) was successfully released for internal office evaluation at the end of fiscal 2020 and for limited moderated public testing in February 2021; a second limited public prototype was released in spring 2021. IT development on both the external (public) and internal (staff) components of the new registration application continues to progress. A reimagined standard application has undergone moderated user testing and is currently in development, and work is underway to design and test at least one of the group registration applications. Significant progress has also been made on the internal side of the system. There remains much to be done, and we hope to increase the resources toward this effort soon.

Licensing: In 2021, the Office started development of user experience design and initial automated workflows for licensing processes to replace the current outdated systems. We anticipate that the cost of licensing modernization can be accommodated within the licensing base budget. To minimize the costs for copyright owners, development will focus on migrating the statement of account examination processes to ECS and migrating all royalty accounting processes onto the Library's financial system to eliminate duplicate processes.

Historical Public Records: As part of the Copyright Office's commitment to the preservation of and access to its historical records, a comprehensive effort is underway to digitize print and microfilm records and make them available online. This includes the card catalog, the Catalog of Copyright Entries (CCEs), and the record books. Digitization is the first step, to be followed by the perfection of metadata to enhance searchability. The long-term goal is to have all of these items digitized and made available through the Copyright Public Records System. The Office already has digitized our physical card catalog; the Virtual Card Catalog (VCC) is online.¹¹ The CCEs also are available online.¹²

As to the Office's record books, which contain well over 26 million pages of records from between 1870 and 1977, considerable progress has been made this year to digitize them and make them available to the public. The first 500 books were published on the Library's website

¹¹ See <https://copyright.gov/vcc/>. The VCC Proof of Concept represents card records from 1870–1977, displayed in JPEG images, from the U.S. Copyright Card Catalog collection. The images are presented in a similar filing order as found in the physical card catalog. Initial work is underway to capture metadata on these cards.

¹² Over a decade ago, the CCEs were digitized by a third party using optical character recognition. Another party is embarking on a project to build on the OCR data to improve the data set quality.

in early February 2022,¹³ and now over 1,500 are available in this online collection. Scanning is being done in reverse chronological order from 1977, and the scanned books will be posted as they become available.

Copyright Public Modernization Committee: In January 2021, the Library of Congress announced the creation of a Copyright Public Modernization Committee (CPMC) to enhance communication with external stakeholders about the technology-related aspects of the Office's modernization initiative.¹⁴ The CPMC's thirteen members include stakeholders from the publishing, music, and photography sectors, libraries and archives, and other fields.¹⁵ The first public meeting of the CPMC took place in July 2021, and the second in February 2022; more public meetings are planned to take place at least twice a year through 2024.

Warehouse Consolidation: Additionally, significant progress has been achieved with the consolidation of copyright deposit materials and other stored records from several geographically dispersed storage facilities into a single, modern facility. The collaborative warehouse construction project between the Library, the Copyright Office, and the Architect of the Capitol was completed ahead of schedule, and the Copyright Office moved into our new facility in Cabin Branch, Maryland, in November 2020. Since then, we have vacated two storage facilities and plan to complete the exit from the third and final site by early 2023. This will result in the full consolidation of copyright materials into one facility and will allow the Office to provide faster location services, better tracking, and improved security for its significant inventory of copyright deposits.

Other Ongoing Projects: The Office is in the process of procuring a software management system to optimize warehouse operations and functionality, ensuring timely and reliable services. In addition, working with the GSA Centers of Excellence, we have obtained a gap analysis and roadmap planning for a new high-performing, multi-channel contact center to improve our communications with the public.

¹³ See U.S. Copyright, NewsNet, Copyright Office Launches Digitized Copyright Historical Record Books Collection (Feb. 7, 2022), <https://www.copyright.gov/newsnet/2022/947.html>. The scans are posted at <https://www.loc.gov/collections/copyright-historical-record-books-1870-to-1977/about-this-collection/>.

¹⁴ Library of Congress, Announcement of Copyright Public Modernization Committee, 86 Fed. Reg. 8044 (Feb. 3, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-02-03/pdf/2021-02194.pdf>.

¹⁵ See NewsNet, U.S. Copyright Office, NewsNet, Library of Congress Announces Copyright Public Modernization Committee (Jun. 22, 2021), <https://www.copyright.gov/newsnet/2021/898.html>.

FUNDING AND FISCAL 2023 BUDGET REQUEST

The Copyright Office's overall budget is composed of three separate budgets or program areas:

- (1) Basic Budget, which funds most of the Office's operations and initiatives, including the majority of payroll-related expenses. Historically, the Basic Budget has been composed of a combination of appropriated dollars and authority to spend fee revenue, with fees constituting approximately half of this funding;
- (2) Licensing Division Budget, which is derived completely from collections of licensing royalties payable to copyright owners and filing fees paid by cable and satellite licensees pursuant to statutory licenses administered by the Office; and
- (3) Copyright Royalty Judges (CRJ) Budget. Although the CRJ program is not part of the Office, we provide it with budget formulation and execution support on behalf of the Library of Congress. Appropriated funding supports payroll, while non-pay expenses are supported by royalty collections and filing fees.

Financial support for the Office's modernization initiative, initially funded as part of the fiscal 2019 budget, continues for fiscal 2023. With respect to the fiscal 2021 budget, the Office and the CRJ have used that funding for staff hiring to support the heightened responsibilities imposed by the MMA. To support implementation of the CASE Act, enacted as part of the fiscal 2021 omnibus appropriations legislation on December 27, 2020, the Office requested and obtained \$3.2 million in additional funding for fiscal 2022.¹⁶ Since passage of the law, the Office has worked to implement it, even before this funding was received, including hiring 8 FTEs.

For fiscal 2023, the Office requests an overall budget of \$100.7 million in funding and 478 FTEs, of which \$46.9 million would be funded through offsetting fees collected in fiscal 2023 and in prior years. Our specific requests for each budget are as follows:

- **Basic Budget:** \$91.0 million and 445 FTEs, comprising \$39.7 million in offsetting fee collections (44%) and \$51.3 million (56%) in appropriated dollars. The request includes mandatory pay-related and price level increases of \$1.635 million, and one program increase of \$1.7 million for Copyright Office Fee and Cost Analysis, Economic Analysis, and Statistics Capabilities. The program increase will expand the Office's capabilities for

¹⁶ The fiscal 2022 budget for CASE Act implementation included \$1.0 million in one-time costs for office construction and furniture, audiovisual system acquisition, and development of an online case management system; and \$2.2 million in recurring costs (\$1.7 million for salary, benefits, and related costs for the 8 FTEs and \$500,000 for systems operation and maintenance, printing, and other services).

economic research, fee and cost analysis, and statistics; it will provide for new positions as well as software that will support skillsets that we currently do not have. Notably, this request is fully supported through an increase in offsetting collections authority and will not require an increase in appropriated dollars.

- ***Licensing Division Budget:*** \$6.6 million and 26 FTEs, all of which are to be funded via filing and royalty fees. The requested increase includes mandatory pay-related and price level increases of \$0.225 million.
- ***Copyright Royalty Judges Budget:*** \$3.0 million and 7 FTEs, with \$0.1 million to support mandatory pay-related and price level increases. Of this total, royalties and participation fees offset \$0.574 million (for non-personnel-related expenses). The remainder, \$2.453 million in appropriated dollars, is to cover the personnel and other related expenses of the three judges and their staff.

In recent years, the Office has highlighted to the Subcommittee that our operations would benefit significantly from greater flexibility in the use of collected fees, specifically the authority to use existing fee balances to provide continued services to the public in the event of a lapse in appropriations. The Office looks forward to working with the Subcommittee to discuss paths forward to address this issue.

* * *

The Copyright Office appreciates the Subcommittee's and Committee's continued support of the Office's work to promote and improve the copyright system, including our ongoing modernization initiatives.

Mr. RYAN. Thank you, Dr. Hayden.

We will now start with the standard 5-minute rounds, alternating, and I will begin.

CYBERSECURITY THREATS

I know how valuable the 170 million collections are, and we appreciate you and your team's vigilance in trying to keep them safe. I know you mentioned the cyber threat particularly coming from nation-states have recently targeted Federal IT systems, which is a deep concern to us. They are using very sophisticated and ever-changing cyber attack techniques.

For example, beginning as early as January 19, the Russian Foreign Intelligence Service compromised several Federal agency networks after hacking the SolarWinds network management software used by those agencies. And we continue to be warned that a particular foreign government is exploring options for potential cyber attacks against the U.S.

In light of this significant threat, I know you talked a little bit about the investments. If you could talk a little bit about that in more detail, also the challenges that the Library faces in preventing these cyber attacks, what this committee can do to help you address those challenges. And will this address your request here? Will this address the remaining recommendations and, if so, when do you expect to fully address those recommendations?

Dr. HAYDEN. Chairman, you are certainly correct that our assets and our collections are very valuable, and we have a duty to protect them. And IT security, as we invest more in our IT throughout the Library, is a top priority for the Library. And we have strengthened our defenses in the past few years. And our CIO, Judith Conklin, is considered—and we are very fortunate—a cybersecurity guru. And she has emphasized cybersecurity in all of our efforts, and I think she can tell you much more accurately about what we are doing at this time.

Ms. CONKLIN. Thank you, Dr. Hayden.

We know the Library is a constant target, as evidenced by the nearly 200,000 attempted cyber-attacks a year, including many from advanced nation-state actors including the one you spoke about.

With the committee's support, we have invested smartly in cybersecurity over the last few years, and our IT security team is officially on high alert over what is happening right now.

We are working to meet three strategic IT security objectives: IT centralization, stabilization, and optimization. And the centralization is we have all of our IT security team within our centralized IT environment in OCIO.

IT security enhancement for high-value assets, assets meaning we identify our highest assets and we treat them differently; We secure them more. And we integrate IT security in all of our Library IT modernization projects, so it is embedded within our development processes. We have made great progress on all three fronts.

In addition, like DOD and other government agencies, we are implementing Zero Trust, and that is a network architecture to protect congressional and other high-value data. We are closely coordi-

nating our cybersecurity efforts with our partners in the other Legislative Branch agencies, that includes the CIOs within the Legislative Branch and the chief information security officers.

We also are receiving intelligence from the broader cybersecurity community, which we use to strengthen our cybersecurity tools, and then we are able to adapt quickly as we are alerted to those threats.

Our main challenge is that we can never rest on these accomplishments we have already made. The threats are constantly evolving, and we must adapt in real time to thwart them. That means we are continually having to invest in the latest cybersecurity tools and expertise to ensure that we keep the Library and Congress protected.

Thank you.

VISITOR EXPERIENCE

Mr. RYAN. I appreciate that. I appreciate that.

Quickly, Dr. Hayden, I am going to take a little bit of liberties and overrun here just because I want to get this question in, and then we will go to Ms. Herrera Beutler.

Because we have had so many conversations over the last few years, when I was both the ranking member and now chair of the committee, around the Visitor Experience, if you could just give us a couple elements of that. One, you know, what is the status of it? Two, who are the private sector partners that are continuing to come in? I know you mentioned that last time that we talked.

And also, given the fact that the Architect of the Capitol is involved with the construction, how is the project coming? And if you can give us a little update about that and the relationship with the Architect.

Dr. HAYDEN. Well, I am very excited and [inaudible] Your support of the project, and the project is on track, and we are seeing results in the design phase, and we are actually moving into the construction phase.

The three elements of the Visitor Experience, which is enhancing how people in person interact with the collections and the staff at the Thomas Jefferson Building, include a Treasures Gallery, first time the Library has had a Treasures Gallery. It is on schedule to open in late 2023. The Youth Center for the young and the young at heart is scheduled to open in the spring of 2024, and the Orientation Gallery and Welcome Center is scheduled to open in the fall of 2025.

The fundraising is going well, and we are also meeting our schedule on that. We have major support from our philanthropic group, the Madison Council led by Mr. David Rubenstein, who has definitely taken the lead in making sure that we meet our \$20 million private fundraising goal. We have \$15.7 million pledges in hand and \$5 million actual cash in hand right now.

We have been working closely from the very beginning, even in the planning stages—the initial planning stages on the project with the Architect of the Capitol. And there is a schedule of regular meetings with them and, in fact, I have been in contact with the Architect very recently to make sure that we are working together on any cost estimates. And as we go forward, we are about 50 per-

cent in design right now. And so we are working with the Architect of the Capitol staff at all levels to make sure that we keep our progress going.

And I am smiling because we just received, and I hope that the committee was able to receive, an audit of the project that was just released yesterday. And it was from the Inspector General, and it acknowledges that—and I will just have to quote—that the project is on schedule and within budget. The cost estimates are reasonable, current, and updated, and the Library is on target to raise the private funds as pledged.

So we are very excited that things are moving along.

Mr. RYAN. Fantastic. That is great to hear.

Ms. Herrera Beutler.

COVID-19 AMERICAN HISTORY PROJECT

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

And, wow, it is so great to hear on time and under budget. That is so rare. It is wonderful. Congratulations.

I wanted to switch over to a project that I know you are aware of with regard to COVID. So we passed, the House passed H.R. 4738, and it is called the COVID-19 American History Project Act, and it was very broadly supported.

And it was by Representative Julia Letlow from Louisiana, and her story is obviously unique. She is the widow of Congressman-elect Luke Letlow. So he was the 41-year-old newly elected Representative from Louisiana who tragically died of COVID before he was actually sworn in.

So the bill directs the American Folklife Center at the Library of Congress to establish a history project to collect and make publicly available individual stories and record records of experience during the COVID-19 pandemic in the United States. And it also authorizes you to solicit and accept donations to carry out the project.

Obviously, there are a lot of unique stories that need to be told. And one of the things I am reminded of is your Oral History Project with regard to veterans, which is just priceless, and I think this has that same potential.

Has the Library initiated any planning for the potential of the project or explored any funding options to implement the project?

Dr. HAYDEN. Well, thank you for that question, because the American Folklife Center is the most appropriate place within the Library to capture the stories and the histories of people who were affected by COVID-19. And we have started to investigate the resources that would be needed. And we were pleased that the projected legislation would allow the Library to solicit and accept donations to carry it out, because we want to make sure that it receives the same excellence in programming that the Veterans History Project has, and we would continue that. So we would need additional resources, and we are preparing what that would entail.

And so we also, though, wanted to make sure that there is an awareness that we are already collecting materials about the COVID-19 experiences. We started immediately to have rapid response collections available for the public and, of course, Congress. We joined with other cultural institutions to make sure that, for in-

stance, there are photographs that are being collected. We have artists who are responding to the pandemic. We are mapping the spread of the pandemic with data shots and all of these types of things, with bulk data from Johns Hopkins, and we are archiving pandemic-related websites.

So there are a lot of efforts throughout the Library, even commissioning new works of music from composers in response to it. So we are looking forward to having more of an opportunity to just outline what that type of project would be and how it could work in the Library and the resources that are needed.

LEGISLATIVE INFORMATION SERVICES

Ms. HERRERA BEUTLER. Okay. I am going to jump in. Thank you for that.

Switching gears to the public meetings, we asked—the Congress asked the Library to convene a public meeting at least once a year for 2 years to discuss input from the Library's Legislative Information Services. And the Library held these meetings and, by all accounts, they were a huge success.

But, obviously, you know, there is no requirement to do future meetings, and I just wanted maybe for you to share a little bit your assessment on the meetings, whether they were worthwhile and, you know, is your opinion on the two reports being submitted to Appropriations Committee regarding the meetings a good idea and do you have plans to hold more?

Dr. HAYDEN. We definitely have plans to continue. The two meetings were very successful. We were able to actually incorporate some of the suggestions that were talked about during those meetings.

We did note, though, at the second year, the second meeting, there was a marked decrease in the attendance, about 50 percent. And so we are looking at ways that we could engage the public even more. And we know that possibly people were tired of looking at things virtually.

So we really want to make sure that the attendance—and the next one is scheduled in the fall, will be coming up in the fall—that we find more ways. And so we will be watching that attendance with the meeting. Very helpful. We definitely want to continue.

Ms. HERRERA BEUTLER. All right. Thank you very much, Dr. Hayden.

I yield back, Mr. Chairman.

Mr. RYAN. Thanks, Ms. Herrera Beutler.

Next is the distinguished gentlewoman from Massachusetts, Ms. Clark.

PHYSICAL STORAGE AND PRESERVATION STRATEGY

Ms. CLARK. Thank you, Chairman Ryan.

And really wonderful to have you with us, Dr. Hayden, as always. And I would like to begin by thanking you and the Library of Congress specifically for correcting its catalog entry on the Armenian genocide to recognize that that was, in fact, a genocide.

And I stood in solidarity with Armenian Americans in my district to commemorate the 107th anniversary of this atrocity just 3 days

ago. And I cannot tell you how important it is that the world's largest library is now a proactive partner in promoting the truth about the 1.5 million Armenian lives lost in the early 20th century. So we are deeply grateful to you for that work.

I am interested in learning more about the Library's physical storage and preservation capacity. I know the Library of Congress continues to expand its digitization efforts, but the number of digitized items represents just a small fraction of your overall collection.

Can you give us a sense to what extent your current storage and preservation capacity meets your goals of expanding collections over the next few years, and what challenges are you experiencing in this area that this committee could be of help with?

Dr. HAYDEN. Thank you so much for that question, because the Library is actually at a critical point in our storage efforts. We continue—we have our feet basically in both worlds. We are collecting and seeking out collections in physical, that require physical storage, and we also are very aware that there will be the need to increase our capacity for born-digital materials that are coming at the same time.

But the physical storage needs are pressing with—and I think the committee is aware of the reprogramming for a module in Fort Meade, where we have our main physical storage. And we are really in need of making sure that that continues.

And our Principal Deputy Librarian, Mark Sweeney, in fact, was one of the main architects of that program. And I would like him to give you more of a sense of why that is so critical to us, that physical storage.

Ms. CLARK. That would be great. And if he could also address how the development of Module 7 is going as well.

Mr. SWEENEY. Thank you very much.

Preservation storage for the Library is one of our most significant challenges at this time. As you know, the Library has a 25-year plan for the building of 13 storage modules at Fort Meade. These are special modules in the sense that they are climate controlled and extend the life of a wide variety of collections. At this point right now, we have six modules that have been built and where collections are being stored.

Module 7 was approved for funding in fiscal 2021 to the Architect of the Capitol. As a result of security concerns, that money was used for other purposes. The downside on that for the Library is that if we don't have funding for that, we will effectively run out of space at Fort Meade for collections beginning in fiscal 2025. And the timeline to build a storage module is about 18 months.

Fortunately, the Architect of the Capitol has done a good job of planning for that module. There should be just a very limited refresh of the design, so we can move very quickly to construction. Actually, the site has even been prepped. Site work has been done. So it is shovel ready and desperately needed by the Library for our growing collections.

Ms. CLARK. Thank you so much.

VETERAN'S HISTORY DIGITAL SUBMISSIONS

In my remaining minute here, I did want to just go back to something the ranking member mentioned, which is the Veterans History Project. Dr. Hayden, I wonder—we have talked about the inability to accept digital submissions. I wonder if you can give me an update on any progress on developing the digital submission portal so veterans do not have to submit their histories by paper or DVD.

Dr. HAYDEN. We have made progress in that regard, and we are in development with OCIO to make sure that we can—

Ms. HERRERA BEUTLER. Mr. Chairman, I am so sorry to interrupt. I cannot hear Dr. Hayden.

Ms. CLARK. It is all of a sudden very difficult.

Mr. RYAN. Dr. Hayden, is your microphone on?

Dr. HAYDEN. It is.

Mr. RYAN. Okay. Maybe if you could maybe pull your microphone a little bit closer. Can you pull your microphone a little bit closer?

Ms. KINNEY. They are adjusting it right now. Are you able to hear me?

Mr. RYAN. Yes.

Ms. KINNEY. Okay. Our team is working on it right now.

Mr. RYAN. Okay.

All right. There we go.

Dr. Hayden, take your time and answer Ms. Clark's question.

Dr. HAYDEN. Okay. This is an example of our crackerjack IT team that is with me today, and they are able to make adjustments on the spot. And we have had, as you can imagine, a lot of experience with that recently.

And Veterans History, we have been able to do as much as we can to make sure that the latest technology is available to veterans so that they and their families can submit their stories.

And so we have been able to do programming with, in fact, 63 Members of Congress in the last year, and specializing in rural areas and giving workshops virtually. So the submission and being able to have veterans submit digitally is of utmost importance for us.

And Judith might be able to give more of the technological aspect of that.

Ms. CONKLIN. Thank you.

Mr. RYAN. Yes.

Ms. CONKLIN. For Veterans History, we do have an investment in it, and we follow project management principles to ensure it gets completed.

I will tell you that I am a veteran and I submitted my oral history several years ago. It is an exciting project for the Library of Congress, and we will definitely succeed in this project.

Ms. CLARK. Thank you so much.

Thank you, Mr. Chairman.

Mr. RYAN. Thank you, Ms. Clark.

The distinguished gentleman from the great State of Washington, Mr. Newhouse.

MASS DEACIDIFICATION

Mr. NEWHOUSE. Good morning, Mr. Chairman.

Well, thank you for being with us today, Dr. Hayden. I appreciate that. Also, thank you for an opportunity to visit prior to the hearing so that we could talk in detail about some of your budget requests. I appreciated that time.

I just have a couple of areas that I wanted to ask you about. The first is the mass deacidification program that you are engaged in. It has, I think, been ongoing for at least 20 years, with a 30-year plan.

Could you give us a little update on that, on the progress of that? And a couple things I would like you to cover if you could. Are you anticipating it could take longer than the 30-year timeline that we have at this point? Also, the budget request has a \$2.5 million number to deacidify—that is a hard word to say—the books that you have classified as high in value, or is that what they are for, and could you give me an example of the types of high-value texts that you are in the process of deacidifying?

Dr. HAYDEN. Well, I want to start by thanking the committee for supporting the Library in its preservation rebalancing efforts. We mentioned some of the challenges coming up with the born-digital materials that will be added to our collections and the need for physical storage, so we appreciate that.

And the program—Mark Sweeney was involved, in fact, in that program and how that was established and can give you more of an update on where we are. He has been with the Library 35 years, so he was there at the inception.

Mr. SWEENEY. Thank you, Dr. Hayden.

You are correct that in the very beginning of this program back in the late 1990s, it was envisioned that it would be a 30-year program. However, the Library has been reducing the quantity which needs treatment over the last several years. In fact, Congress in the fiscal 2021 budget approved the retirement of this program with a 2-year funding of \$2.5 million, which we are on track to execute and to be able to wrap up the program at the end of this fiscal year.

The items that we are currently treating are relatively low in number and definitely low in priority. Materials are primarily in our music monograph collection at this point. And we have swept through all of the high-priority subject areas in our general collections, as well as a considerable number of manuscripts from our manuscript collection.

So we are fully on target to retire this program at the end of fiscal 2022 and will not be asking for additional resources for that program going forward. We feel that we can best meet the most pressing preservation needs of our collection with our new preservation strategy, which balances our resources between both our physical and our digital collections here at the Library.

ADDITIONAL STAFF FOR PROGRAM INCREASES

Mr. NEWHOUSE. Good. Awesome. That is great. Thank you.

Then just one other thing, Dr. Hayden, and we talked a little bit about this in our meeting prior to the hearing. If I am reading cor-

rectly your budget request, there are approximately 5 dozen new FTEs funded. I know they are for several different responsibilities. Could you tell me, are those new positions for the Library or are there some of those that may be filling positions that, because of the pandemic, opened up, people were either let go or left and you need to bring the numbers back up to where they were?

Dr. HAYDEN. Congressman, you are correct. Approximately or definitely 59 FTEs, and they cover the 10 major initiatives, the program increases. And that includes additional staff that we are adding on. I mentioned the Visitor Experience. We are adding staff to start engaging, to think about visitor engagement for the new visitors that are coming in.

That personnel and payroll processing, that some of those items are in manual state. There are two FTEs that are going to be working on that new system. And, for instance, the cloud program office that we are establishing, those are new positions that will be dedicated to our cloud.

Our project management and our IT management, those are also new positions. So what you see—and Copyright Office, for instance, cost estimators, and Shira could elaborate on that. Those are new positions as well. So these positions will add to the expertise of our staff members that we currently have.

Mr. NEWHOUSE. Okay. Well, thank you. That is good information to have. And I hope that is helpful to us to make the decisions we need to. So thank you for that.

And just my last point, Mr. Chairman, I hope those Library books that Ms. Herrera Beutler has are not overdue.

Mr. RYAN. We may need an audit.

Mr. NEWHOUSE. Thank you, sir. I will yield back.

Mr. RYAN. Thank you, Mr. Newhouse.

The distinguished gentleman from Hawaii, Mr. Case.

MANDATORY PAY AND PRICE LEVEL INCREASE

Mr. CASE. Thank you, Mr. Chair.

Dr. Hayden, good to see you again. Just a quick real basic question here. I am looking at your testimony. The Library of Congress' fiscal year 2023 budget request is for \$871.8 million, a 3.9 percent increase over your fiscal year 2022 enacted. And then you go on to say: "This request includes \$30.8 million in mandatory pay and price level increases."

And if I am doing all of that math, that indicates that virtually all of your 3.9 percent increase is in mandatory pay and price level increases. Do I have that right or am I missing something?

Dr. HAYDEN. With the mandatory pay-related costs, that is \$21.49 million. There is a price level increase of \$9.27 million, and that includes offsetting collection authority, and then you add in the FTEs.

FUNDING NEEDS FOR CYBERSECURITY

Mr. CASE. Okay. But I guess my point being, your mandatory pay and price level increases are virtually all of your—90 percent—plus of your actual requested increase over fiscal year 2022. Is that right? There is not a whole bunch left over if you take your \$30.8 million of pay and price level increases to get to 3.9 percent.

Dr. HAYDEN. Yes.

FISCAL 2023 NET PERCENTAGE INCREASE CLARIFICATION FOR THE RECORD

The 3.9 percent increase in the Library of Congress 2023 budget submission is comprised of Mandatory Pay Increases, Price Level (Non-pay inflationary) increases, new programmatic increase requests and non-recurring cost reductions (example: costs removed from the base after project implementation). The mandatory pay and price level increases for fiscal 2023 round to \$30.8 million, however, new program request costs of \$24.4 million are added and then costs for programs that are “non-recurring” (\$22.4 million) are subtracted for a total “net” increase of \$32.8 million (or 3.9%).

Mr. CASE. Okay. And so when we are talking about things like, you know, cybersecurity, I guess my question is: There is not a whole bunch of extra money being asked for in the cybersecurity area or, for that matter, any other area, right?

Dr. HAYDEN. The increase—we just talked about the specialized staffing that is going to be required for, for instance, the cloud program office, different areas in the Library. So you are looking at the cost of having staff and the mandatory increases for existing staff.

For cybersecurity, I am going to have Judith give you more on that, but——

Mr. CASE. And how much additional are you asking for for cybersecurity? I am just following up on the chair’s questions along these lines, because I agree with its importance. How much extra is over to cybersecurity?

Dr. HAYDEN. When you look at—and I am turning to Judith now with how cybersecurity, the types of things that are IT related in our increases. Judith——

Ms. CONKLIN. Yes.

Dr. HAYDEN [continuing]. How much would you estimate of the OCIO program increases, that is the cloud, the cost estimating, how much of that would you think?

Ms. CONKLIN. It is definitely built into the cloud request that we have, the cloud program office. And it is also built into our base in this year. We did have an increase in fiscal year 2022 from the agency to fund additional IT security needs. And IT security is built into everything we do. So as we get increases in our base funding, IT security is built into that.

Mr. CASE. Okay. So I think what you are saying is that your basic cybersecurity initiatives were built already into the fiscal year 2022 enacted, plus some personnel and price increases that are part of your 3.9 percent increase.

So you are—in other words, many of your cybersecurity initiatives are already in fiscal year 2022. There is not a huge new amount. And you feel that you are sufficient in terms of the trajectory you are on right now, with some adjustments just for, you know, personnel and normal price increases, mandatory, right?

Ms. CONKLIN. Yes. That is correct. We have been fortunate that we have had support from the committee for previous years’ increases for IT security. As I said in a previous answer, depending on threats and changing IT security environment, or I like to call them bad actors, in the future, we might need, in future years past fiscal year 2023. But for fiscal year 2023, we did not——

Mr. CASE. Okay. Yeah, because you have made the point in spades to this subcommittee, and we have agreed with you, that cybersecurity is critical. And I think we are just trying to make sure that you have done what you need to do and you are making the request that you need to make to keep yourself on an improved cybersecurity track. So thank you very much.

I yield back.

Dr. HAYDEN. And if I may, we can provide more details for the record specifically on the cybersecurity—

Mr. CASE. Thank you.

Dr. HAYDEN [continuing]. Cost.

Mr. RYAN. Thank you, Dr. Hayden. Thank you, Mr. Case.

The distinguished gentleman from Nevada, Mr. Amodei.

Mr. AMODEI. Hey, Mr. Chairman, thank you.

Dr. Hayden, good to see you. Thank you for taking the time to chat, most recently last week. I have a few issues, but they are not directly relative to the budget hearing, Mr. Chairman. So, Dr. Hayden, I look forward to talking with you soon.

And I yield back.

Mr. RYAN. Thank you, Mr. Amodei.

The distinguished gentleman from New York, Mr. Espallat.

FORT MEADE STORAGE MODULE

Mr. ESPALLAT. Thank you, Mr. Chairman.

Thank you, Dr. Hayden, for being with us again and the services you provide through the Library of Congress.

Dr. Hayden, your budget calls for a \$51 million funding stream for the Fort Meade storage site. How will this funding support the Library's immediate and long-term storage and preservation needs?

Dr. HAYDEN. The Fort Meade module, as Mark Sweeney really elaborated on, is critical to making sure that we have the capacity to continue to add to our collections. We just had, in fact, a very generous donation of a significant person, the creator, Neal Simon, that is going to be really pivotal for us in being able to show the creative process.

And we have more collections that are being either sought or potentially coming to us. So we are going to have a need in the next 20 to 50 years to have the capacity physically to accept that. And Mark can give more on that.

Mr. SWEENEY. Thank you, Dr. Hayden.

Yes, collection storage is always a critical issue for the Library of Congress, especially now for the Module 7, which obviously is at least 18 months behind now as a result of the change in funding.

That new storage module would hold the equivalent of 4 million book volumes. Right now, the Library has at least a million volumes that are improperly stored here on Capitol Hill, either on the floor or in triple shelving. And, of course, the collections continue to grow. We do that as a necessity. We are storing through Copyright a significant, you know, volume of daily production, as well as the signature type of special collections that Dr. Hayden just mentioned.

So in order for us to achieve our mission, you know, the collections continue to grow and collection storage, high-quality collection storage is critical to the Library.

Dr. HAYDEN. And I have to add, as a librarian, this is almost—it is heart-wrenching to think that we would have to turn away collections and especially for the Nation's library, because we don't have the proper storage or the capacity. So thank you for asking that.

JANUARY 6TH IMPACT ON LIBRARY PROJECTS

Mr. ESPAILLAT. I also recognize that in fiscal year 2021, \$41.5 million I think it was, was enacted for the construction of Fort Meade within the Architect of the Capitol's budget. However, circumstances now require the funding be repurposed for the support of urgent Capitol Hill campus security needs following the events of January 6th.

What other Library projects were impacted due to the January 6th events?

Dr. HAYDEN. Well, definitely the reprogramming of the funding that we were ready to go in design of that module was a very significant impact on the Library, because the timing now with constructing that module is getting even more critical for us.

There were other aspects that the event of January 6th brought up was our need, and we were very pleased and grateful for the support for improved cellular service. That became very apparent. And we had support from the U.S. Capitol Police and the Architect of the Capitol to request that we have improved cellular service in that Thomas Jefferson Building in particular as well as our other buildings, and also to update our security systems, the actual devices, the cameras, and all of those things.

So those, it brought it into stark relief how we have to update those systems that support security and observation in our buildings, and communication.

Mr. ESPAILLAT. Thank you. And thank you so much, Dr. Hayden and your team, for all the work that you do at the Library of Congress.

Thank you, Mr. Chairman. I yield back.

CHAIRMAN RYAN CLOSING REMARKS

Mr. RYAN. Thank you, Mr. Espailat.

I appreciate all the committee members here.

And, Dr. Hayden, thank you for your discussion here today. As always, we are going to continue and this committee will continue to support the Library of Congress.

You are invaluable to this institution, you know, and we all believe that it is our duty to protect the collections and give a good quality experience to the American taxpayer. So we are going to continue to support you on that. We appreciate all your good work. We appreciate your very sophisticated and diligent team that you have with you and surrounded yourself with some great people that can help us protect this institution for generations to come. So we appreciate you being here.

Before we adjourn this panel, I just want to remind all members of the committee we are going to do the Government Publishing Office in 10 minutes. Please do not log off. We are going to continue

to use the same line for the next panel. So we will just adjourn here for about 10 minutes and we will be right back.

And, again, Dr. Hayden, thank you for your fantastic leadership. We appreciate you.

Dr. HAYDEN. Thank you.

Mr. RYAN. The hearing is adjourned.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE Jaime Herrera Beutler
Dr. Carla Hayden, Librarian of Congress
The Library of Congress
 Committee on Appropriations
 Subcommittee on Legislative Branch
The Library of Congress Fiscal Year 2023 Budget Request
 April 27, 2022

Data Centers

Background: The Fiscal Year 2022 appropriations explanatory statement included report language directing the Library—and all Leg Branch agencies—to report to the Committee about their progress in evaluating their data storage, and moving data to facilities that meet performance and security standards.

Question: Dr. Hayden, Congress included report language in the FY22 appropriation explanatory statement about secure data storage. The Library of Congress holds valuable collections that all of us want to protect, especially as physical and cybersecurity threats intensify on Capitol Hill.

- Given this language, and the threats we have talked about, is LOC accelerating plans to move its data to compliant, secure data centers and have cloud backup?
- How are you doing with that project, and does any of LOC's data still reside in the Alternate Computing Facility?

Answer:

We take our responsibility to ensure the security and integrity of the collections and data entrusted to the Library very seriously. Thanks to the support of the Committee, we have invested extensively over the last six years in enhancing our data center infrastructure and our cybersecurity defenses. We have implemented an advanced hybrid-hosting approach that combines geographically diverse physical data centers and the cloud with industry leading IT

security tools and procedures to ensure we have a modern, safe and flexible IT foundation for the Library. As a result, I am proud to be able to say the Library's IT security posture is stronger than it has ever been before.

The 'Data Center Infrastructure Action Plan' that we submitted to the Committee in June 2022 provides a detailed overview of our hybrid approach for our data center infrastructure. As we outlined in the report, we have carefully designed our IT infrastructure to meet the IT security CIA Triad model, ensuring confidentiality, integrity and availability for Library IT systems and data.

From a confidentiality and integrity standpoint, Library data is secure, regardless of where it is hosted. We follow NIST IT security standards and industry best practices, with a defense-in-depth strategy that uses many of the best tools on the market. We have instituted multi-factor authentication for our users, and ensure all of our IT systems and infrastructure are monitored for vulnerabilities and malicious activity. We also work closely with the other Legislative Branch agencies and the broader national cybersecurity community to ensure we have the intelligence and tools necessary to protect the Library, our data, and our users, including Congress.

To address the availability aspect of the CIA Triad, our hybrid approach aligns with the federal Cloud Smart strategy, and leverages high-availability cloud services and traditionally managed on-premise data centers, including an Uptime Institute-certified Tier III facility and the Alternative Computing Facility (ACF), which the Library calls Data Center 2 (DC2). With this approach, the cloud does not serve as a backup for Library data. Our goal is to have Library IT systems and data hosted across geographically diverse environments instead of a single primary computing facility, ensuring the Library can continue operating or recover quickly from a failure event, regardless of its severity.

Recognizing that technology is rapidly changing, and cybersecurity threats are constantly evolving, we have adopted a continuous improvement model for our IT infrastructure. The Data Center Infrastructure Action Plan includes a range of activities the Library is taking over the next three years to accelerate the optimization and modernization of our IT infrastructure and IT security. Among those activities, we are implementing a Zero Trust network architecture to enhance our protection of congressional and other high-value data. The Department of Defense and other federal agencies are taking the same step to better secure their networks. We are also continuing to refine and rebalance IT systems and application hosting locations based on availability, IT security, and budget, and integrating advanced tools, including artificial intelligence platforms, to better monitor, manage, and secure Library IT systems, applications and data.

The Library is fully committed to ensuring robust, secure, and resilient data center infrastructure for agency IT systems and data, as the fiscal 2022 Cyber and Physical Data Security report language encouraged. If you would like additional information about our hybrid-hosting approach or IT security posture, I would be happy to arrange a meeting with our CIO, Judith Conklin, and her IT security team.

QUESTIONS FOR THE RECORD SUBMITTED BY

THE HONORABLE Katherine M. Clark
Dr. Carla Hayden, Librarian of Congress
The Library of Congress
 Committee on Appropriations
 Subcommittee on Legislative Branch
The Library of Congress Fiscal Year 2023 Budget Request
 April 27, 2022

Subject

Diversity at the Congressional Research Service

Background: When Director Mazanec testified before the House Administration Committee in 2019, she had said that of the 12 individuals who directly report to her, only 1 was a person of color and that there were zero African Americans in senior leadership at CRS. Moreover, only 28% of all CRS employees at that time identified themselves as minorities, compared to 37.6% in the House of Representatives.

Question:

- Director Mazanec, according to your budget justification, CRS is continuing to prioritize staff programs and strategies to maintain and develop a diverse workforce, including by improving the diversity of applicant pools for new CRS positions. How have those strategies worked out thus far? Have they increased the number of diverse candidates hired at CRS? Do you still only have one person of color in your immediate reports and are there still zero African Americans in senior leadership positions at CRS? Can you please provide us with data on how CRS's recent efforts to improve diversity among staff have succeeded?

Answer:

As a department of the Library of Congress, the Congressional Research Service (CRS) follows the Library's Merit Selection Plan for all competitive hires with limited exceptions (e.g., Graduate Recruit Program). CRS ensures that selection panels are diverse, and the Library's Human Capital Services Directorate (HCD) advises when an applicant pool may be described as representing the diversity of the labor force. CRS also provides representation to the Library's Diversity and Inclusion working group.

CRS actively recruits candidates from numerous academic and professional organizations, colleges and universities. Recruitment is especially targeted to institutions that serve minority populations within those categories. CRS also notifies all congressional caucuses and organizations of job vacancies when they are advertised.

Of the eleven immediate Senior Level reports to the CRS Director, four identify as minorities (36.4%) and five are women (46%). There are twenty senior managers at CRS of whom five identify as minorities (25%). Including the CRS Director, 40% of the senior managers are female.

There are sixty first-line section supervisors in CRS, twelve of whom (20%) identify as minorities. In 2019, there were fifty-one supervisors of whom fourteen (28%) identified as minorities. In 2019, 49% of the supervisors were female and 51% of the supervisors were male. In 2022, 58% of the supervisors are female and 42% are male.

At the time of the 2019 hearing, 155 of the 585 permanent staff in CRS identified as minorities (26.5%). At the start of July 2022, 146 of 596 permanent staff identified as minorities (24.5%). In 2019, 44% of CRS staff were male and 56% were female. In 2022, 42% of staff are male and 58% are female.

Although these data points in time show mixed results, they are not indicative of a lack of effort or effectiveness of fostering a diverse and inclusive workforce. There are a number of factors, related to the unprecedented global pandemic, which had a negative impact on recruitment efforts including:

- The ability of potential hires to move to the Washington DC duty location during a pandemic when travel and movement were not advisable.
- The ability of CRS staff to attend in person recruitment activities and diminished amount of virtual job fairs.
- A steep V shape in the attrition rate. From 2015-2019, CRS averaged 50 permanent staff retiring or resigning per year. In 2020 and 2021, the number dropped to 37 people per year. In 2022, we have already had 60 staff resign or retire and are projecting another 10 through the end of the year.

Lastly, although CRS strives to improve diversity in the workforce by increasing the diversity in the applicant pools, we cannot make hiring decisions based on race. Congress can support our efforts in a number of ways, including increasing salary and workplace incentives to compete for the best candidates. Like our sister agencies at CBO and GAO, CRS analysts, economists and legislative attorneys require higher education degrees and experience. Competition has increased

for across public and private sector organizations for qualified minority candidates. Federal government salaries are not commensurate with salaries offered in the Washington DC duty location for lawyers, economists and others individuals with advanced degrees. Added incentives and funding for such things as recruitment bonuses and student loan repayment, would greatly improve the ability for CRS and other organizations to recruit and retain a highly qualified, diverse and inclusive workforce.

WEDNESDAY, APRIL 27, 2022.

**FISCAL YEAR 2023 BUDGET REQUEST FOR THE
GOVERNMENT PUBLISHING OFFICE**

WITNESS

HON. HUGH N. HALPERN, DIRECTOR

OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. For our second panel today, I would like to welcome the Director of the Government Publishing Office, Mr. Hugh Halpern, to present the fiscal year 2023 budget request. Thank you for joining us today. We welcome you back to our subcommittee.

This has been a tough couple of years for all agencies. I would like to acknowledge the staff of GPO for the extraordinary work they continue to do despite life's challenges.

Congratulations to GPO on being recognized by Forbes Magazine as one of the best midsize employers in America. This is a testament to the hardworking individuals that continue to support this body and ensure that not only this body but all Federal agencies are able to produce government documents for their customers.

The GPO fiscal year budget request is \$130.9 million, an increase of \$6.6 million, or 5.4 percent over what was provided in fiscal year 2022. I read in your request that this is only the second time in more than a decade that GPO has requested an overall increase.

I look forward to your testimony today and hope it will shed some light on GPO's fiscal year 2023 investments, its strategic plan, and how these investments and plans will benefit Congress and the American people.

At this point, I would like to yield to my colleague and friend from Washington State, the home of five active volcanoes, the ranking member, Ms. Herrera Beutler.

OPENING STATEMENT OF RANKING MEMBER HERRERA BEUTLER

Ms. HERRERA BEUTLER. Way to start, Mr. Chairman, but nothing was effusive there for that introduction. Consequently, the only one that has erupted in the continental United States in the last number of years is in my district. So there you have it.

Welcome back, Mr. Halpern. It is good to see you here today. And I know you have been in this role for a while, but I still expect to see you, like, on the Floor. So it is great to see you in this role. I am sure you are enjoying it.

As Mr. Ryan said, the fiscal increase for 2023 is 5.37 percent, and which it is astounding to think it is only the second time ever that you have requested that.

A U.S.-based manufacturing operation with over a dozen offices nationwide and a mission to keep America informed, the U.S. Gov-

ernment Publishing Office, GPO, publishes and disseminates official government publications to Congress, Federal agencies, Federal depository libraries, and the American public.

The GPO has used the resources Congress has provided to fully embrace the technological opportunities available to effectively fulfill its mission today. However, even with these successful technological advances, GPO has not been immune to the supply chain shortages and supply chain challenges that we have seen, whether it is cost of raw materials or just the constrained labor market that our Nation is experiencing right now. And my understanding is a significant portion of your fiscal year 2023 request is going towards personnel and supply cost increases.

So I look forward to learning more about your plans to continue system and collection development, modernization efforts like XPub, and cybersecurity projects.

So, with that, I yield back.

CHAIRMAN OUTLINES PROCEEDINGS

Mr. RYAN. Thank you, Ms. Herrera Beutler.

Mr. Halpern, without objection, your written testimony will be made part of the record. Please summarize your statement for the members of the committee. Once you have finished your statement, we will move to the question-and-answer period. The floor is now yours, sir.

TESTIMONY OF HUGH N. HALPERN

Mr. HALPERN. Thank you. Thank you so much, Mr. Chairman.

Chairman Ryan, Ranking Member Herrera Beutler, and members of the subcommittee, thank you so much for the opportunity to testify on the fiscal year 2023 appropriations request of the Government Publishing Office.

I am privileged to lead GPO's more than 1,500 talented craftspeople and professionals as we support the publishing and printing needs of all three branches of government, especially including Congress and the rest of the Legislative Branch. I appreciate the subcommittee's past support for GPO and look forward to continuing our partnership.

For fiscal year 2023, as you mentioned, I am requesting approximately \$130.9 million in appropriated funds, a 5.4 percent increase over the prior year. As you know, GPO operates very much like a commercial enterprise, and about 88 percent of our \$962 million revenue last year came from directly billing our other Federal customers.

As you may recall from my testimony last year, fiscal year 2020 marked GPO's first net loss since 2011. I am pleased to report that fiscal year 2021 marked a significant rebound for GPO, with a net operating income of \$55.6 million versus fiscal year 2020's \$21.5 million loss. Without the hard work of my teammates, we would not have been able to recover so decisively.

We have taken concrete steps to ensure that GPO continues to be a great place to work, including government-leading telework and remote work policies. As the chair mentioned, that is why I

was so happy to see that Forbes recently named GPO as one of the best midsize employers in the U.S.

The agency's fiscal year 2023 request includes almost \$83 million for congressional publishing, a 5.2 percent increase over fiscal year 2022. This figure includes our estimate of Congress' needs and also factors in increased cost for both labor and raw materials. Of note, it is 32 percent lower in constant dollars than fiscal year 2010's congressional publishing appropriation.

Our request for public information programs, which fund the Federal Depository Library Program, the operation of govinfo and other initiatives, the \$35.3 million, a 3.6 percent increase over the prior year. Increased labor and material costs are also driving the increase in that request as well.

Finally, we are requesting a total of \$12.7 million in direct appropriations to GPO's revolving fund to support capital and IT investments important to Congress and the agency.

Of note, this request includes increased direct support for the development of XPub, the agency's next-generation composition software. This software will radically change the print and digital composition process for Congress and GPO. Development of this system is critical for our partners in the House and Senate Offices of Legislative Counsel as well as the Clerk and the Secretary, as GPO is responsible for the software stack that supports printed and digital output. We expect to be able to deliver XPub for the printing of bills, resolutions, and amendments by the end of the calendar year, with deployment to follow on a timetable established by our customers in the House and Senate.

These funds will assist us in the continued development of this system for other legislative products and help us to transition the system to a software-as-a-service so that we can ensure a future revenue stream to support improvements well into the future.

We are also requesting funding to support continued development of govinfo, the world's only ISO-certified trusted digital repository. Last year, we celebrated the 9 billionth document retrieval on govinfo and its predecessor sites. It is a system that enjoys great success and great support, and we are requesting approximately \$5.9 million to support the infrastructure, and that is nearly a million dollars less than we requested for the same purpose last year.

Lastly, we are requesting \$150,000 in continued funding for our cybersecurity efforts. And I am forwarding, as required by law, the agency's Inspector General's request for \$1 million to outsource his IT and human capital operations.

Thank you for this opportunity to present our budget request, and I am happy to answer your questions.

[The information follows:]



THE HONORABLE HUGH NATHANIAL HALPERN
Director
United States Government Publishing Office

**Prepared Statement before the
Subcommittee on Legislative Branch
Committee on Appropriations
U.S. House of Representatives**

**United States Government Publishing Office
FY 2023 Budget Hearing**

April 27, 2022
11:00 A.M.

U.S. GOVERNMENT PUBLISHING OFFICE

732 North Capitol Street, NW | Washington, DC 20401-0001

www.gpo.gov | facebook.com/usgpo | twitter.com/usgpo | instagram.com/usgpo



Mr. Chairman, Ranking Member Herrera Beutler, and Members of the Subcommittee, I am honored to appear before the Subcommittee on Legislative Branch Appropriations to present the Government Publishing Office's (GPO's) fiscal year 2023 appropriations request. I thank you and your staff for your past support of GPO—particularly throughout the COVID-19 pandemic—and I look forward to continuing our close partnership during my time as Director. For the coming fiscal year, I am requesting appropriations in the amount of \$130,904,000, an increase of \$6,667,000 over our FY 2022 appropriation.

This marks just the second time in a decade that GPO has requested an increase in appropriated funds and our FY 2023 request incorporates increased costs in labor and materials, while accommodating certain initiatives of importance to Congress and the rest of the Legislative Branch. Despite the proposed increase, our FY 2023 request is still 11 percent lower than the Agency's all-time high appropriation of \$147.5 million in FY 2010.

In general, appropriated funds represent a comparatively small portion of GPO's overall revenue and operating capital. Nearly 88 percent of GPO's FY 2021 revenue came from billings of its other Federal customers, including the State Department, the courts, the Department of Defense, and many others. And just as we occasionally need to adjust the rates we charge our other customers, we also need to request adjustments to our appropriation levels to ensure that we are meeting our statutory obligation to recover our costs and provide for investments that will yield additional efficiency and capability.

Recovering from COVID-19 in 2021

When we met last spring, GPO was just celebrating its 160th anniversary and coming off one of the most trying years in the Agency's history.

The COVID-19 pandemic, and necessary mitigation measures associated with it, pummeled our FY 2020 finances and exerted intense pressures on GPO's personnel.

One good example was the measures we put in place to preserve capacity among our proofroom staff, who play an essential role in the production of congressional bills, the Congressional Record, and the Federal Register. To guard against the possibility of a catastrophic COVID-19 outbreak that could shut the entire proofroom down—and jeopardize the production of congressional publications critical to the operation of Congress in the process—we divided our proofroom workforce into alternating teams, where only one team would report for duty each week.

This policy successfully preserved our capacity to meet the most critical demands of Congress and the Federal Register, but reduced overall productivity. When their team was on duty they would find themselves understaffed, overstressed, and playing perpetual catch up and when their team was off duty they remained on call so they were limited in how they use that time.



While everyone performed admirably throughout, it was an enormous relief when broad-based vaccine availability finally permitted us to end this policy early last summer and bring everyone back to work.

On the financial front, today I am happy that after a year of steady, incremental progress, GPO has rebounded financially. In fact, in FY 2021 GPO posted an adjusted net operating income of \$55.6 million versus the net operating loss of \$21.5 million we endured in fiscal year 2020. This income represents a healthy year on top of recouping our losses from the pandemic.

You may recall from my testimony last year that there were two driving forces behind the FY 2020 losses—a marked COVID-19-related reduction in agency orders for GPO services and increased operating costs, including \$7 million in emergency pay costs required simply to operate during the pandemic's darkest days. As order volume began to recover throughout FY 2021 and our expenses steadied as the Agency focused on normal post-COVID operations, GPO found itself in a good position looking into the future.

Among the most significant lessons of the pandemic was the importance of telework and remote work to maintaining our capabilities and unlocking the productivity of that portion of our workforce. Roughly one-third of our 1,547 teammates could perform their duties remotely and we saw results that indicate that our team can be just as productive working at home, if not more so.

We quickly realized that a robust telework and remote work program would continue to yield benefits long after COVID fades into the background. Today approximately 66 percent of GPO employees work full-time in person, 19 percent work a hybrid schedule, and 15 percent are full-time telework. I expect these figures to hold as GPO settles into its new operating posture in early May.

Additionally, wide adoption of telework and remote work helps us recruit new teammates in ways we could have never imagined. GPO's workforce is one of the oldest in the Federal government so attracting the next generation of GPO leaders is a critical task. The availability of remote work enables us to recruit and hire the best talent regardless of where they reside in the United States. Similarly, telework contributes to GPO's reputation as a desirable employer, something recognized by Forbes Magazine which recently named GPO one of the Best Midsize Employers in America. In a fiercely competitive hiring market, we are grateful for that recognition.

GPO adopted a similar vaccine requirement as the executive branch so as to avoid any issues with our Federal customers. We are proud of our 96 percent vaccination rate and the resilience of our team through the Omicron COVID flare.



A Snapshot of GPO's Business

GPO has three primary lines of business: (1) producing items requested by our customers, either ourselves or through contracts with other firms across the country; (2) making government information available through libraries, the internet, and direct distribution; and (3) building the tools that our customers use to produce their own content in formats that facilitate digital and physical distribution.

Production

GPO's business portfolio consists of—

- the passports and secure credentials we produce for the State Department and other Federal agencies;
- the print procurement and ancillary business services we provide to a broad range of Federal agencies; and
- our in-house production work for Congress and the Executive Branch.

For Congress, work we complete in-house includes the Congressional Record, the House and Senate calendars, bills, resolutions, and committee reports and hearings, and the United States Code. For the executive branch, we produce the Federal Register and Code of Federal Regulations, the President's Budget, the Economic Report of the President, and many other high-profile publications. Notably, daily production of the Congressional Record and the Federal Register is like producing two major city newspapers every day.

Additionally, our craftspeople frequently produce a wide array of programs, invitations, and ceremonial and commemorative documents for both the executive and legislative branches.

Making Government Information Available to the Public

Still another core enterprise of GPO is administering the Federal Depository Library Program (FDLP), through which GPO provides important public documents to the over 1,100 FDLP-affiliated libraries nationwide, many of which are then also made available to the general public at no charge through our ISO-certified secure digital repository, [govinfo.gov](https://www.govinfo.gov). Through the Catalog of U.S. Government Publications (CGP), the public can identify and access over 1 million current and historic government titles and resources housed in FDLP libraries throughout the country or linked to in digital collections at libraries and Federal agencies.



GPO's Superintendent of Documents, Library Services and Content Management (LSCM) supports the FDLP libraries in the identification and access to new government content, maintenance of their tangible collections, digitization of aging and rare tangible documents, and education, outreach and training to ensure that the staff of FDLP libraries can assist their patrons in finding government information in both tangible and digital collections. Additionally, LSCM distributes new tangible publications to the FDLP libraries.

The Superintendent of Documents also supervises a sales and distribution program offering current, high-interest Federal publications to the public. They also provide logistics and warehousing services for Federal customers distributing printed materials.

Building the Tools to Deliver on the Vision of an America Informed

As technology evolved, GPO updated its operations to keep pace. With the development of GPO's proprietary MicroComp composition engine in the 1980s, GPO got into the business of building tools that would later be incorporated into our customers' workflows. Soon after adoption by GPO, Congress incorporated MicroComp into its own workflows in the House and Senate offices of Legislative Counsel as well as the legislative operations teams of the Clerk of the House and Secretary of the Senate. While MicroComp is still in use today, GPO is hard at work on its replacement, XPub, which will leverage a number of commercial and open-source technologies to produce a composition system worthy of the 21st century.

GPO also works closely with the Clerk of the House, the Secretary of the Senate, and the Bulk Data Task Force in development of United States Legislative Markup (USLM) schema, a key underlying technology for XPub.

GPO's ISO-certified secure digital repository, **govinfo**, is also a key technology for supporting our customers. The data in **govinfo** supports many public and private sector databases, such as Congress.gov, through open application programming interfaces (APIs). In FY 2021, there were 70 million average monthly information retrievals from **govinfo's** collection of more than 2.2 million content packages.

Breaking Down GPO's Revenue

In fiscal year 2021, GPO's overall revenues totaled \$961.9 million.

Of that amount, \$850 million—or 88 percent—came from direct billings to our non-congressional customers. This category includes current and next generation passports produced for the State Department, secure credentials produced for numerous Federal agencies, including the Capitol Police, and Federal print procurement contracts managed by GPO.



Another 7 percent—or \$64 million—came from billings to Congress for the provision of specific requested services, including the Congressional Record, congressional hearings, bills, resolutions, calendars, and other publications.

Still another 3 percent—or \$32 million—came from appropriations we used to administer the Federal Depository Library Program and provide critical public information program services.

And finally, the remaining 2 percent—or \$16 million—came from appropriations this Subcommittee provided to enable GPO to make critical information technology and cybersecurity investments for the future.

Some Key Accomplishments

Despite the challenges of the past year, GPO achieved some notable accomplishments:

We rolled out our 100 percent telework and remote work policies for eligible employees informed by the lessons we learned broadly deploying telework during the COVID-19 pandemic.

Our **govinfo** digital repository passed its fourth consecutive intensive annual audit to retain its ISO 16363 Trustworthy Digital Repository status and is currently the only certified digital repository in the entire world.

We also celebrated the 9 billionth retrieval of Government information from GPO's websites since GPO began publishing Government information online in 1994, first through *GPOAccess*, then *FDsys*, and now **govinfo**.

Our Customer Services business unit issued over \$401 million in competitive contracts to private-sector printing companies from across the country, supporting thousands of jobs in all 50 states, while also overseeing the printing of millions of economic stimulus and child tax credit checks and the printing and mailing of hundreds of millions of notices providing needed information about Federal COVID relief programs.

Our Security & Intelligent Documents (SID) business unit produced 14.85 million passports for the State Department, and over 3.5 million secure-care credentials for our Federal agency customers.

We proudly assisted the Joint Congressional Committee on Inaugural Ceremonies by producing tickets, secure credentials, programs, and commemorative materials for the 59th Presidential Inauguration, and were honored to support congressional memorial services honoring the lives of United States Capitol Police officers Brian D. Sicknick and William F. Evans.



We reached an agreement with our partners at the National Archive and Records Administration (NARA) to build out the second phase of the Center for Legislative Archives (CLA) project, an initiative that when complete will provide NARA with congressional archives space for the next 50 years.

In August, we assisted State Department humanitarian efforts by quickly creating informational posters in both the Dari and Pashtun languages to greet arriving Afghan refugees at Philadelphia and Dulles international airports.

And—for the 25th consecutive year—GPO's independent outside auditor provided GPO with an unmodified, or clean, opinion on our annual financial statements.

GPO's FY 2023 Appropriations Request

GPO is requesting an increase in its FY 2023 appropriations to \$130,904,000, a \$6,667,000 increase over our FY 2022 appropriation. This increase will account for changes in our labor and raw materials costs and also fund certain ongoing projects of importance to our congressional customers.

This would be GPO's only second proposed increase in appropriations since FY 2014 and is actually 11 percent less than our FY 2010 appropriation. Increased productivity through the adoption of new technologies has been key to keeping GPO's needs for appropriations down, providing new and improved services at lower costs, and reducing overall headcounts. Currently, we have 1,547 GPO teammates, compared to 2,284 in FY 2010.

One tool we used to keep our appropriations requests low was to repurpose prior year unexpended balances. We appreciate the willingness of this Subcommittee and the Full Committee to allow GPO to use those balances in support of programs and capital investments that benefit the original purpose of the appropriated funds.

However, as I foreshadowed in my testimony in each of the past two years, those balances are dwindling, forcing us to request additional funds if we are to continue our current pace of development and innovation.

Our FY 2023 request includes \$82,992,000 for congressional publishing, a \$4,120,000 increase over our FY 2022 appropriation. It is based on our estimates of Congress' likely needs, informed by historical trends, and available unexpended balances. It is also informed by increased raw materials and labor costs. In constant dollar terms it represents a 32 percent reduction for congressional publishing since FY 2010.



Our request for our public information programs (PIP) account, through which we administer the nationwide Federal Depository Library Program, is \$35,257,000. This represents an increase of \$1,237,000—or 3.6 percent—over FY 2022, and will cover the costs of providing Federal Government publications in digital and tangible formats to 1,113 Federal depository libraries nationwide, cataloging and indexing, and distributing documents to recipients designated by law and international exchanges. Rising labor and compensation costs as well as increased materials costs are the driving factors behind this increase in our FY 2023 PIP appropriation request. Even with this proposed increase, the PIP appropriation will remain nearly 14 percent lower than the amount appropriated in FY 2010, or 34 percent lower in constant dollar terms.

The final component of our overall appropriations request is for a total of \$12,655,000 for GPO's revolving fund to support capital investments and information technology upgrades, which represents a \$1,310,000 over amounts appropriated in FY 2022.

This component of our request is critically important to ensuring that GPO can make the capital investments in equipment and technology needed to continue providing Congress and our Federal agency customers with high level of service they expect.

Within this request for an increase in appropriations to our revolving fund, we have identified four specific capital investment projects that this funding would support. Three of these items will be familiar to the Subcommittee, as they represent long-standing GPO priorities; the last item is submitted at the request of the Agency's Inspector General (IG).

First, we are seeking direct appropriations support for our continued development of the XPub composition system. XPub has been under development for several years now and is intended to fully replace our more than 30-year-old proprietary MicroComp composition system.

XPub is a transformational project for GPO. It will enable GPO and its customers to move to an all XML-composition workflow, simplifying authoring and production while also providing data in a format where it can easily be posted on the web, delivered to mobile devices, repurposed into e-books, or used by smart people in the public and private sectors to create tools we haven't even thought of yet.

XPub is being deployed on a product-by-product basis. In 2019, GPO used XPub to publish the more than 60,000-page 2018 Main Edition of the United States Code, permitting GPO to publish it approximately seven months faster than the prior edition. In 2020, XPub was used to create the Final Report of the Select Committee on the Modernization of Congress and we have several other pilot projects ongoing with congressional committees.



Last year, as a prelude to the upcoming XPub production of congressional bills, public laws, and statutes at large, GPO released for public comment a proposed new responsive HTML format for congressional bills and public laws. This format is optimized for any device, including smart phones, tablets, and laptops, uses easy-to-read fonts, and contains metadata to enable easy reuse. This is a huge step forward from the existing text-based display which is difficult to reuse and adds little value to the legislative process. More information about this new display can be found at GPO's GitHub repository at <https://github.com/usgpo/xpub>.

Prior to FY 2022, much of the initial development of XPub had been funded through the annual reprogramming of unexpended appropriations with the Subcommittee's support, but given GPO's static appropriations requests, those funds have largely evaporated. In recognition of the importance of the XPub project, the Subcommittee generously provided a direct appropriation of \$3,370,000 in FY 2022.

If approved, our \$5,630,000 appropriation request will keep XPub development and deployment on track in FY 2023. Once development is complete, we hope to provide XPub to our customers as a software-as-a-service (SAAS) application, ensuring that there is a dedicated stream of income to support continued development of the platform without the need for separate recurring appropriations.

The second component of GPO's request for increased capital investment appropriations in FY 2023 relates to the continued development of our peerless **govinfo** online portal, the world's only ISO-certified trusted digital repository. In recent years, the Subcommittee directly appropriated funds to refresh **govinfo's** infrastructure and further develop its content collections. This year's request of \$5,875,000 for **govinfo** is \$950,000 less than the amount the Subcommittee provided in FY 2022, and it would be divided between infrastructure investments (\$2.375 million) and development investments (\$3.5 million), including development required to support the digitization of historical content.

Investments in **govinfo** support the distribution of much of the legislative data that supports the Library of Congress' Congress.gov site as well as the bulk data made available for other public uses. In addition, **govinfo** helps keep the costs of administering the Federal Depository Library Program down by making hundreds of thousands of critical Government publications available online free of charge, obviating the need to print and distribute thousands of volumes annually.

With the Subcommittee's sustained support, GPO has been able to add hundreds of thousands of additional documents and publications to the **govinfo** online repository each year—over 320,000 content packages were added in FY 2021—and the public's usage of **govinfo** continues to grow, with more than 837 million retrievals from **govinfo** in FY 2021 and more than 9 billion retrievals over the system's lifetime.



GPO successfully completed its fourth annual audit to retain **govinfo's** ISO certification. With this designation, end users can be comfortable knowing that information accessed via **govinfo** is both safely secured and authentic, two invaluable attributes for government information.

The third component of GPO's request for increased appropriations for its business operations revolving fund account is for \$150,000 to support GPO's broad and ongoing efforts to defend against advanced persistent attacks (APTs) to its information technology systems. In recent years, the Subcommittee has generously provided direct appropriations for these types of investments and this year GPO is again requesting support. As you know, cyberattacks on our critical infrastructure continue to mount from foreign and domestic sources.

GPO has several million dollars in ongoing APT investments currently underway to reduce the risk of unauthorized access, data exfiltration, and changes to data, and this request would help support those efforts.

Lastly, solely at the request of the Agency's IG, we have included \$1,000,000 to outsource the Office of Inspector General's (OIG's) information technology (IT) and Human Capital functions, including payroll. This request is part of the OIG's request for total budget authority of \$7.949 million in FY 2023 and was included as part of our FY 2023 Budget Submission, as required by section 1604(c) of the Legislative Branch Inspectors General Independence Act. As you know, the OIG's annual budget is currently funded as part of GPO's agency overhead—a component of the prices and rates GPO charges its agency customers and Congress—and not as a direct appropriation. This particular amount is being requested as a direct appropriation.

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee, thank you for this opportunity to present GPO's FY 2023 appropriations request, and for all the support you and your staff have extended to us during these challenging past two years.

This completes my prepared statement, and I look forward to answering any questions you may have.

COVID-19 IMPACTS ON STAFFING

Mr. RYAN. I appreciate that, Hugh. Thank you so much.

I have got one question that is very relevant to the Appropriations Committee. We hear that COVID has imposed a significant strain on the workforce as it relates to staffing levels. And combined, that presents a challenge for GPO to meet its deliverables to congressional committees and, in particular, the Appropriations Committee, during our peak times. Given these challenges, GPO still produces what we need, but it certainly hasn't been a smooth ride, as you know better than anybody.

So if you could give us your perspective and comments for the record, what can be done in the future to make this process smoother, and what steps are you taking to ensure GPO has the appropriate workforce, in terms of both size and skills, in place for today and the future, especially given that half of your workforce is eligible for retirement in the next 5 years?

Mr. HALPERN. That is a great question. And actually, the funny thing is I am testifying on that very topic before the Modernization Committee tomorrow. So this is a great practice run for me.

So we are really happy to support both the House and the Senate, but particularly some of our committees, like the Appropriations Committee, rely on GPO to produce the documents that they need to do their work.

And you are absolutely right. At the height of COVID, we were running into significant constraints, largely because we were having to operate with about half of the staff operating at any one time. And we did that for two reasons. One was to improve social distancing in office areas that are pretty cramped and folks are put together, but the other was to maintain capability. So if we had a situation where somebody got infected on one shift and we had to quarantine everybody who was around them, we still had capability to meet Congress' immediate needs.

Where that really manifested in terms of problems was a backlog in processing introduced bills. And I am sure all of you had some measure that probably wasn't headed to the Floor right away but was nonetheless important but was stuck in our backlog around May 2021.

Once we were able to bring everybody back into the building and we rearranged office areas a little bit, but we also had the vaccine rolling out—so it all sort of worked together—we were able to clear that backlog in a matter of months.

In May 2021, we had about 1,800 bills sitting in our Bill End processing unit, and we had that pretty much cleared out by September. Today, we are close to our weeklong turnaround for normal items, and then we are able to process priority items for the House and the Senate usually overnight, depending on length and volume and things like that. So we are about at our normal service level agreement for the House and the Senate.

But the issue you bring up with our labor force is probably the single most difficult issue I am dealing with and, frankly, one of the most critical issues that we are dealing with for GPO for long term. You know, we are having extreme difficulty recruiting particularly for the specialized trades. So think proofreaders, book-

binders, press operators. Those are all skill sets that are in demand but are very, very hard to come by.

Right now, we are recruiting for our summer class of recent graduates and interns and actually having great success there. And to give you an idea, 25 years ago, we brought in a cohort to our recent graduate program, and many of those people are the executives who sit with me at our leadership table.

We expect to start recruiting our new apprentice class for proofreaders hopefully in the coming couple of weeks. We really want to sync this up. We will be recruiting a little bit internally, but we are also looking to hire recent high school grads, because it is a great place to work and a great skill set that you don't necessarily need a college degree, and we want to help train that next generation of folks as well.

But I can give you one example of an area where we really have a critical need, and it is very problematic. Bookbinders, the folks who put together our passports, they—as I told somebody yesterday, I could stand out on the street corner of South Capitol and H Street handing out stacks of thousand dollar bills and still not be able to recruit bookbinders who can pass a background check and have the right set of skills.

We have been working very closely with our unions to try and develop a new position that doesn't quite have the skill level of a journey person bookbinder but who can still operate some of the machinery. We are still in negotiations over that. We are hoping that will close soon, but everybody has sort of got to look for GPO's future long term in that effort.

But, you know, we know that we have got to figure out a path to get more of these skilled folks in the door, and that is really one of the critical things, both in our strategic plan and our day-to-day work.

Mr. RYAN. Let me ask you something real quick. So you talked about the bookbinders. What percent of the workforce under you does not need a college education that could use some—a certification, a training, I don't know what you guys necessarily call it, but what is the percent of your workforce that would not need a college degree?

Mr. HALPERN. So we are actually—in our Human Capital unit, we are actually going back through position descriptions to try and review for exactly that. So where we might have positions that had a college degree requirement that we really don't need it, we are trying to excise that so that we have got a broader base of folks to recruit from.

And my own son is a really, really good example. Rather than going to college, he decided to enlist in the Army, and he spent the last 9 months learning a great set of skills that will serve him, not only through his time in the Army, but when he gets out into the world as well. And we want to make sure we are recruiting from that group of folks, because there are a lot of really talented, really great young folks who I think could benefit from the kind of employment we offer here at GPO.

To give you an idea, the way our workforce breaks down, about two-thirds of the workforce is mostly blue-collar. We have got two-thirds of folks who have to come to work every single day. Their

job is here in the building. We have got about one-third of our workforce, mostly white-collar, who can work remotely or use telework or things like that.

So that is generally the rule of thumb I use, but I can get you more refined statistics when we are done.

Mr. RYAN. Yeah. We would love to see that. I am well over my time.

The distinguished gentlewoman from Washington State, Ms. Herrera Beutler.

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

It was both exciting to hear that you are revamping everything, but distressing to hear that there are not enough people to bind books that can pass those background checks. That is astonishing. I am curious as to how we help fix that. Maybe give me that real quick before I get into my more formal questions.

Mr. HALPERN. Sure. And it is a problem. So bookbinders, press operators are really folks from a—and, you know, I think your dad was a printer.

Ms. HERRERA BEUTLER. I was going to say. Yeah. He had to switch careers. He had done that my whole life, although he wasn't necessarily on the press operating side of it. But just the industry as a whole, the bottom fell out.

Mr. HALPERN. Right. Absolutely. So, you know, we are trying to sort of mine for both folks who may be in a transition. So to give you an idea, we are trying to stand up a second shift on our passport operation, and we have been trying to do that since I got here 2 years ago. We are just having trouble finding the skilled people we need to get that work done.

So, for instance, when the Baltimore Sun decided to close its printing plant, we sent folks up there to try and sell them on GPO. You have got a bunch of folks who are going to find themselves out of a job, and we wanted to see if they would be interested in coming to join us, either as bookbinders or press operators or whoever.

But part of the problem is, if you are working over in our passport operation, you have got to have a security clearance, and it takes us a while to adjudicate that clearance.

Ms. HERRERA BEUTLER. Like an SF-86, like the serious one? Like an SF-86, like the big deal?

Mr. HALPERN. Yes.

You need to maintain a secret clearance, because you are going to have access to all of the anticounterfeiting features that we build for the State Department into the passport.

And we have just switched over so that we are operating—so that we are only producing the new passport, the next-generation passport, which is the most advanced identity document anywhere in the world. So we need folks who can sort of have access to the nitty-gritty of how all of that works and we are sure that they aren't spreading those secrets to folks they shouldn't be spreading it to.

So, you know, that is just one of the complications we have got. I think we are kind of at an inflection point where the kind of education and the kind of work that folks are doing is changing, and we want to try and be on the leading edge of that so we can find new groups of folks, these smart folks in high school who may not

want to go to college but want a good middle-class lifestyle, get them to GPO, because that is what GPO has been doing for generations.

We have been employing folks, providing that great middle-class lifestyle, and giving them the opportunity to produce things of critical need for the Nation.

IMPACTS FROM SUPPLY CHAIN SHORTAGES

Ms. HERRERA BEUTLER. Thank you for that. And thank you for the peek into the challenges on that.

And I wanted—I guess along that line, I mean, that is like human capital supply chain shortages. Could you speak to us a little bit about the impact from the—around supply chains that have caused, you know, your budget request to increase?

Mr. HALPERN. Sure. So as a general matter, paper is a really good example. When we can get paper, it is usually 20 to 30 percent more than what we were paying a couple of years ago.

And the question is, is when we can get it, because what has happened—and you may have seen this in the Northwest, there are a number of paper mills up there. They are shifting their mix of products that they make, largely the cardboard. So they are supporting the Amazons and the Walmarts of the world, because that is where the profit is for them. It is less so in those printing grade papers that we need for the Congressional Record or for the other documents that we produce.

So just getting paper is really hard to do. When we can get it, we are paying a premium for that.

Ms. HERRERA BEUTLER. That is shocking to me if you consider how much Federal land there is in the West and the mortality of the land on the Federal forest, the Gifford Pinchot, which goes up around the Mount St. Helens, just to support other Federal efforts.

I mean, we should not be paying a premium. Especially, I have some timber companies that have had to shift and it has been in large part because they can't rely on the Federal Government to get access to that. But that seems like something we could help with.

Mr. HALPERN. And we would love to have those conversations with both the timber folks and paper mills to figure things out. In the meantime, we have been trying to come up with novel answers.

So, for instance, one of our teammates came up with an idea where we were able to take older rolled paper that we had that was meant for a different kind of press that we don't use anymore. We were able to send that out, have them basically slice that in two and extend our paper supply for several months. And it was a great example of sort of our folks' ingenuity.

So we are working closely with some of the paper mills and paper suppliers. My deputy and I went out to go visit a paper mill few months ago. And now that things are opening up again, we plan to be spending some more time talking with both our suppliers and contractors to figure out where the problems are and how we can be helpful.

Ms. HERRERA BEUTLER. Thank you for that. I appreciate it.

Mr. Chairman, I yield back.

Mr. RYAN. Thanks, Ms. Herrera Beutler.

Next is the distinguished gentlewoman from Massachusetts, Ms. Clark.

STAFF RETENTION

Ms. CLARK. Thank you so much, Mr. Chairman and Ranking Member.

And it is good to be with you, Director Halpern. I want to reiterate our congratulations on being listed as one of America's best midsize employers. And thank you for extremely interesting testimony and responding with these challenges with such ingenuity.

Mr. HALPERN. Thank you.

Ms. CLARK. And that brings me to one aspect of what we have been talking about with your workforce and ways you are trying to recruit and retain. With over half of your staff reaching retirement eligibility in the next 5 years, what are you doing to retain that institutional knowledge? What sort of plans are you making around that?

Mr. HALPERN. So that is a great question. That is actually one of the key elements of our strategic plan as we talk about how we develop the workforce, it is how do we create an environment where folks want to continue to work here at GPO.

You know, we are actually blessed that so many of our employees really regard GPO as a great place to work. We literally have generations of folks working here at GPO. You know, I can point to our plant manager, who was the acting director of the agency for a little while. He started as a bookbinder, no college education. I believe it was 1968. So he has been here for 50-odd years and, you know, continues to provide us with great advice and counsel even to this day.

I have a couple of bookbinders over in our passport operation who are in their 80s, and they still love coming to work every day. So, you know, we have this combination where I think people enjoy working here, and we want to keep that spirit and retain them as much as we can.

But we also realize that at some point folks have earned their retirement and they need to enjoy that, and we want to facilitate that. So what we need to do is really recruit that next generation of folks who can work alongside our craftspeople, learn those skills.

And we are really looking to invigorate these apprenticeship programs. So, as I was saying, we are starting with our first class hopefully here in a couple of—or announcing our first class here in a week or two for proofreaders. And that is going to be a fairly small class, but we want to ramp that up so that we are hitting sort of the journey person trades, so the, you know, bookbinders, press operators, those folks, typographers, hitting those folks, and then also extending that to electricians and plumbers, because we have got a million square feet under roof we have got to maintain.

So I really want to reinvigorate that apprenticeship program, and I want to build partnerships with local high schools so that we have got a stream of folks where we can say, look, if you want to go to college, that is great, but if you want something else, we have got a training and job path for you to follow here at GPO.

And it is something that is sort of tried and true and has worked really well in the past, and we just need to reinvigorate that.

FEDERAL DEPOSITORY LIBRARIES

Ms. CLARK. Amazing. Thank you.

I wanted to follow up also on a discussion we had a while ago about Federal depository libraries. I see you have asked for five full-time—five FTEs for your enhanced outreach. I wonder if you could just tell us how that is going. And in particular, I am interested in your new pilot to help make government information more available, especially on topics related to women's suffrage, voting, civil rights, and other important areas.

Mr. HALPERN. So this has been a great area of success for us, and the library community have been great supporters of GPO long, long before I got here.

The good news is we are actually starting to hire folks for those extended outreach programs, and our telework and remote work policies have actually really—actually made that a lot easier. We have actually gotten very good at on-boarding people who have never been here in D.C. Our IT team is great at getting folks computers and phones and all that stuff without them having to come here to headquarters.

We have also been working on these pilot programs. You know, we have one I think that is ongoing right now with a library in Utah dealing with some of their World War II materials that are very rare, and preserving and digitizing those materials so they are accessible to everyone. And we are starting our next round with the pilot program, looking at different programs and accepting applications from libraries all across the country, so that GPO can partner with them to help preserve some of those Federal collections that we have out there.

The other thing that I want to highlight in terms of the FDLP is we have a task force going on with both folks here at GPO, folks in the library community, and folks in the Federal library system, really looking at the future of the FDLP and what makes sense.

And, you know, there is a lot of talk of the move to digital and should we have an all-digital depository library program in the future. I am expecting a report back from them by the end of the calendar year, basically saying, one, is that a good idea, and if it is, what does that program look like, so that we can develop a program that helps deliver information to all of your constituents and all of our customers. So it is really a key thing for us to look at going into the future.

Ms. CLARK. Great. Thank you so much, Director Halpern.

And I yield back, Mr. Chairman.

Mr. RYAN. Thank you, Ms. Clark.

The distinguished gentleman from Washington State, Mr. Newhouse.

Mr. NEWHOUSE. Thank you, Mr. Chairman.

Mr. Halpern, great to see you.

Mr. HALPERN. Good to see you, sir.

Mr. NEWHOUSE. And I got to say too, it is great to see you doing such a great job at GPO. We knew you would do what you are doing. Your work experience here with us in the House told us that you had a bright future. And just thank you for your hard work and your great leadership.

Mr. HALPERN. Thank you.

UNITED STATES LEGISLATIVE MARKUP PROJECT

Mr. NEWHOUSE. In your budget request, you talk about the GPO completing the planning and procurement on the USLM, or United States Legislative Markup, which my understanding is a project to remodel bills and resolutions into a new format. So I would like to have you give a little more insight into that, what you expect to complete in this fiscal year.

And also, I don't know if this is the right venue or if you are the right person to ask this question, but I think several States besides Washington do this, and it seems to me it would be good for the Congress to do it as well. When a bill is introduced that modifies existing law, it would—I don't know the right term to use here, but it would kind of be shown in a redline format so that we can see what language is being deleted or amended, and that would be very helpful. And I just wondered if that is part of what you are looking at in this USLM.

Mr. HALPERN. Well, let me take that second part of the question first, because that is a little bit easier. And this is actually much of what I am going to be talking about tomorrow with the Modernization Committee.

So when we were a much smaller country, we made some poor decisions when we decided how we were going to construct our system of laws and, more importantly, how we were going to construct our system for changing those laws. And we made decisions that didn't really scale well, particularly when you bring them forward to more of a modern era.

All of our bills, anything that amends current law is drafted as an instruction to an unseen clerk. And that makes it really hard to figure out what is going on.

So the good news is—and I can't take full responsibility for this. This is really a Clerk project. But the Comparative Print Project will provide you the kind of view of a bill that you are looking for. And I know that the Clerk is anxious to get that rolled out to Members. I will let her talk about the timetable for that.

But I have seen that system develop since basically—you may remember the Republican Conference where we adopted that rule from Mr. Posey that really spurred development of that system.

And I have really got to hand it to the Clerk. She and her team have really, really put that together, through successive clerks, to really develop a first-rate project on that front.

Mr. NEWHOUSE. Good.

Mr. HALPERN. USLM refers to a much larger project that involves not only us in the House and the Senate, but everyone who might deal with legislation or regulation overall. And so one of the things to keep in mind is when we first switched over to digital typesetting in the early 1980s, that was based on a purely proprietary GPO system where all we could do was really—it described how these documents were supposed to look. The data wasn't particularly useful any more than that.

And the best way to sort of see the poor effects of that are if you or your staff are trying to, I don't know, edit a passage from a bill in Word just to share with leg counsel or somebody else, whether

you are trying to just copy that out of a PDF or use GPO's provided display of the plain text, they are terrible. They are awful. They are hard to use. I feel like I need to apologize for it every single time I talk about this. And it has been around for 30 years.

Well, what USLM does—and this follows on to a program started in the mid-1990s, where we use XML, Extensible Markup Language, where we are describing not how things look but what they are. It is a subsection. It is a heading. It is a paragraph.

And when you do that, you can apply formats on top of that. You can say, oh, headings always look this way, or something along those lines. But once it is data, you can use that in a lot of different ways. So you can build a system like the Comparative Print Project, where it is looking at that data and doing some really keen AI things, where it is saying, oh, I understand what the instruction is here, let me go out to the current law and lay those two things on top of each other and give you a display that is usable.

We can do that—and there are lots of other applications. XPub is really going to be key to that. So what happens now is when you go to leg counsel and they say, Mr. Newhouse, here is your bill, and they hit control P to print, it takes a file that is drafted in XML, sort of the precursor to USLM, translates that back into GPO's typesetting codes, and then another program that was created by GPO translates that into what we call postscript, which is a page description language, and then Adobe Acrobat takes that postscript and produces that PDF that you see on the other side.

There are multiple possible points of failure in that. I know that personally, because I have had to tell two speakers that their particular priorities couldn't go forward because we couldn't get it to print. And those, I can assure you, were uncomfortable conversations.

Mr. NEWHOUSE. I can imagine.

Mr. HALPERN. But XPub will take that XML or USLM formatting and spit that out as a PDF, or make it easily postable online, or, most importantly, give you a usable text display of that piece of legislation. So you can cut that off of the web page, paste it into your Word document and edit to your heart's content, and give that to leg counsel and go, here is how I want that to look.

And so that is really one of the promises of the system. And we have got examples of that on our GitHub repository, and we hope to deliver that to the House and Senate by the end of the calendar year. We are working very closely with them to try and make sure that we can hit that deadline.

Mr. NEWHOUSE. Awesome. Great. Well, thank you very much, Hugh. Again, good to see you.

Mr. HALPERN. You too.

Mr. NEWHOUSE. Thank you, Mr. Chairman. I will yield back.

Mr. RYAN. Thank you, Mr. Newhouse.

The distinguished gentleman from Hawaii, Mr. Case.

UNEXPENDED BALANCES

Mr. CASE. Thank you, Chair.

Mr. Halpern, let's see, I am just trying to get the prior year unexpended balances straight in my head. So if I have it correct, your budget this year does not include somewhere in the range of \$3

million, is that correct, in approved application of prior year unexpended balances to your costs?

Mr. HALPERN. I believe that is the case. I don't have those particular numbers right in front of me. But, for instance, those prior year unexpended balances have been funding XPub development sort of up to the last couple of years, where we have been required—where we have been requesting additional directed appropriations for that purpose, because those unexpended balances have been dwindling over the years.

Mr. CASE. Okay. So just to clarify, why do you have unexpended balances from year to year?

Mr. HALPERN. So the best example of that is the congressional printing appropriation. So the best way to think about that is it is a deposit account, or think of it as like a gift card. It is an \$80 million gift card that we bill against for all of Congress' printing and publishing needs for a given year.

Some years, we estimate what that number is, and some years we fall below that. Congress—there are fewer bills introduced or fewer committee reports or fewer specialized things. We don't have to do inauguration, so we don't have those expenses, those kind of things.

Mr. CASE. You say that they are dwindling. So, I mean, how long until your current balance is exhausted? It is a matter of years, I mean, because you are increasing your costs, right?

Mr. HALPERN. Our costs are increasing substantially. And the volume of congressional work is going up in some respects. Each year, we have a greater number of pages for congressional bills that we have to process. So, you know, it depends on the year. We have started requesting these additional appropriations, largely because those unexpended balances are no longer available.

And I can get you a more detailed response to show you how that plays out over time. But if we don't have these additional appropriations, for instance, for the XPub development, we are going to have to find those funds elsewhere. So either we build that into the page rate, the rate we charge the appropriation for each page we have to process, or we have to cut back on other priorities to fund that one.

Mr. CASE. Okay, great.

Okay. That is all I have, Chair. I yield back. Thank you.

CHAIRMAN RYAN CLOSING REMARKS

Mr. RYAN. Thank you, Mr. Case.

If there are no further questions, again, we want to just say thanks, Hugh. And all of us who watched your work here in the House are really proud to see what you are doing, and we want to be here to support you and to continue to support the workers that are there.

Obviously, you got some hurdles that we want to help you overcome with regard to the workforce and, you know, getting us the stuff that we need. So let's see what we can do in the near future to continue that friendship and that relationship that we have had with you for such a long time and making sure we get the products to the Appropriations Committee and other committees in a timely manner.

Mr. HALPERN. Absolutely.

Mr. RYAN. We want to make sure we address that issue. So thank you again. Appreciate it. Make sure you tell all your team how much we appreciate them.

And, with that, this hearing is adjourned until 2 p.m., when we will hear from the Architect of the Capitol.

WEDNESDAY, APRIL 27, 2022.

**FISCAL YEAR 2023 BUDGET REQUEST FOR THE
ARCHITECT OF THE CAPITOL**

WITNESS

J. BRETT BLANTON, P.E., ARCHITECT OF THE CAPITOL

OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. The committee will come to order.

This hearing is fully virtual, so we need to address a few house-keeping matters.

First, for today's last meeting, the chair or staff designated by the chair may mute participants' microphones when they are not under recognition for the purposes of eliminating inadvertent background noise.

Second, members are responsible for muting and unmuting themselves. If I notice when you are recognized you have not unmuted yourself, I will ask if you would like the staff to unmute you. If you indicate approval by nodding, staff will unmute your microphone.

Third, you will notice a clock on your screen that will show how much of the 5-minute clock is remaining. If there is a technology issue, we will move to the next member.

Fourth, we will begin with the chair and ranking member. Then members present at the time the hearing is called to order will be recognized in order of seniority.

Finally, House rules require me to remind you that we have set up an email address to which members can send anything they wish to submit in writing at any of our hearings. That email address has been provided in advance to your staff.

The committee will come to order.

For our third and final panel today, I would like to welcome the Architect of the Capitol, the Honorable Brett Blanton, to present the AOC's fiscal year 2023 budget request.

Mr. Blanton, thank you, and thank you to the AOC.

I also want to thank Jonathan Kraft and Christine Leonard for their work during the last appropriation cycle in getting us up to speed quickly as we transition subcommittee team members.

For fiscal year 2023, the AOC is requesting \$1.67 billion, an increase of \$890.5 million or 115 percent in appropriated funds over what was provided last year. This is a significant request.

I see that at least 71 percent of this increase is focused on addressing the physical security changes that have been recommended in reports following the January 6th attack on the Capitol. I hope you can provide details on the additional needs for this increase in your testimony here today.

A smoothly functioning AOC is important to all Members and staff. We understand the workload for AOC staff continues to increase as you continue to work on ongoing projects and simultaneously addressing the new challenges that have arisen this past year.

On top of that, the AOC continues to face a significant backlog of substantial facility renovation needs, both immediate and long term. New construction projects require design and implementation, and there continues to be concerns regarding discrimination in the AOC workplace.

As you tackle these very important issues, you will have our subcommittee's support. However, it is critical you give us some reassurances today about how your budget request addresses these challenges.

At this point, I would like to yield to my colleague and friend from Washington State, the ranking member, Jaime Herrera Beutler, for any opening comments that she would like to make.

OPENING STATEMENT OF RANKING MEMBER HERRERA BEUTLER

Ms. HERRERA BEUTLER. All right. I got the mute button off.

Thank you, Chairman Ryan.

And, Mr. Blanton, thank you so much for being here today.

So I wanted to start off with saying I really appreciate how proactive you have been on reaching out on a number of things that the AOC has been working on and including this year's budget request. I think it helped us put it in perspective a little bit. A little bit of sticker shock, but it was helpful to get that information beforehand.

And I want to say thank you to your staff for their due diligence and really hard work over the past year in dealing with a lot of challenging circumstances across the Capitol community and working in coordination with the Office of the Attending Physician, the Capitol Police, and the other entities to prepare the campus to open its doors to our—reopen our doors to our constituents in light of all of that.

In addition to the major undertakings that you all are already engaged in, such as the Cannon House Office Building renewal and the pipe replacement at the Capitol Power Plant, the AOC is asking for—it is a substantial increase to address security recommendations in the aftermath of the January 6th riot. I don't even know what the right word is.

Mr. Blanton, I fully support doing what needs to be done to keep everyone who passes through the doors of Congress safe: visitors, staff, Member alike. But, obviously, when we are discussing this much money, we need to do it with the utmost scrutiny and transparency, which I know you agree.

So I know that some of the information does need to remain classified, but you have also agreed publicly, you know, that there is a lot around here that has been overclassified and there does need to be, where we can make it happen, more transparency. So I agree with that. I think that the taxpayer dollars we are using, obviously, it is not private money, and we want to make sure that we are doing everything we can to open up as much as we can so that

folks know, the American taxpayer knows that what they are paying for and what the return on that is.

And I think there is a good story to tell. I think that is part of why opening up on the transparency sometimes will help us tell that story to the public more, and I think it will make it go a lot further.

So I look forward to your testimony and how your office is going to move forward in this, in many of these initiatives in order to execute this mission.

And, with that, I yield back to Chairman Ryan from the State where the first ambulance service was established in Cincinnati. So thank you.

CHAIRMAN OUTLINES PROCEEDINGS

Mr. RYAN. Thank you for that reminder, Ms. Herrera Beutler. I appreciate it.

Without objection, Mr. Blanton, your written testimony will be made part of the record. Please summarize your statement for the members of the committee. Once you have finished your statement, we will move to the question-and-answer portion of our show. You have the floor.

TESTIMONY OF J. BRETT BLANTON

Mr. BLANTON. Chairman Ryan, Ranking Member Herrera Beutler, and members of the subcommittee, I appreciate the opportunity to testify today. Before I begin, I would like to extend my appreciation for the committee's work to achieve the Consolidated Appropriations Act of 2022.

I also appreciate the committee's strong support for the Cannon Renewal program. As the Cannon Building moves forward towards final completion, we are meeting deadlines and keeping the project on track. At the same time, we are making major progress with other prioritized projects and initiatives.

Before I go into detail about AOC's budget requests, I want to acknowledge two major anniversaries this week. First, we are joining communities around the Nation to celebrate the 200th anniversary of Frederick Law Olmsted's birth. The founder of American landscape architecture, Olmsted designed many of our country's favorite parks.

Relevant to today's hearing, he was the visionary behind the plan for the Capitol Grounds. Enduring for centuries, Olmsted's design accentuates the unforgettable experience of looking upon the Capitol Building.

Beyond his enduring design, Olmsted's detailed plan included the lanterns and walkways that AOC preserves and maintains today. AOC's arborists still care for about 40 of the original trees planted as part of Olmsted's plan. Perhaps unknowingly, many visitors continue to be inspired by Olmsted's majestic and unforgettable vision for our treasured Capitol Building.

As we enjoy the beautiful environment in the springtime, we are also honoring another significant milestone, the bicentennial commemoration for the two-term President, Ulysses S. Grant. Particularly relevant for AOC and this committee, we are honoring the

100th anniversary of the Grant Memorial. Situated at the edge of Union Square Reflecting Pool with the Capitol as its backdrop, this historic monument marks the eastern side of the National Mall. Henry Merwin Shrady spent over 20 years creating this sculpture, which is now recognized as the largest equestrian monument in the country.

Eleven years ago, AOC took responsibility for the Memorial's preservation. Since then, we have undertaken a meticulous conservation effort to restore it to its original splendor, highlighting the details of the original sculpture.

Facing the Lincoln Memorial, the monument symbolizes the bond between the President and the general who fought together to save our Nation.

Embodying that same spirit, AOC employees have remained steadfast in their unwavering service in the face of adversity over the last 2 years. Every day, I am struck by the commitment and talent of our hardworking employees. Whatever the weather, our grounds teams work diligently to maintain this oasis where nature can flourish, surrounded by the large urban forest. And throughout our entire agency, the legacy of our Nation's founder continues to inspire us.

Today's vision and mission are clear: The U.S. Capitol is a symbol of Western democracy and an historic landmark. It is also one of the most architecturally significant buildings in the entire world.

As we consider what the next century will bring, we are engaging in our own visionary process for the Capitol's future that will include an updated, comprehensive master plan.

At the same time, AOC employees are working tirelessly to upgrade capabilities and facilities to meet the technical, space, and accessibility needs of the 21st century workforce. United in our shared mission and goals, AOC staff has improved security measures across campus, in close coordination with the Capitol Police, as well as the House and Senate Sergeant at Arms.

While some of these changes are more visible than others, we have worked continuously throughout the pandemic to preserve and maintain the Capitol complex. AOC's budget request seeks additional support for critical measures to ensure safety of Members of Congress, staff, and visitors on campus.

As the subcommittee considers campus-wide security improvements, the AOC needs adequate resources to support our partners in the Capitol Police, as well as the House and Senate Sergeant at Arms. We must work together efficiently and immediately so that resources are appropriately aligned towards our shared priorities. Our safety and security depend upon our united strength and collaboration. With the committee's full support and sufficient resources, I stand ready to implement these urgent and necessary requirements.

As this committee knows, delayed funding has consequences. We are working constantly to reconcile the cost of historic preservation and pressing modern demands. We need to take immediate steps to address deferred maintenance across the Capitol complex. AOC's budget request reflects essential life safety projects for the safety of all and well-being of everyone who works and visits here.

While physical security and infrastructure improvements are top priorities, I also remain focused on transformative change within the AOC. We need to cultivate and maintain a positive and productive work environment where people have the necessary skills, training, equipment, and support.

Every day, I am continually impressed and inspired by the expertise, tenacity, and determination of AOC employees. Reflecting a wide range of roles and responsibilities, we are all contributing to the success of Congress, the Supreme Court, and the Library of Congress. Together, we are getting the job done for the American people.

Despite all the challenges we have overcome during the past 2 years, I remain optimistic and determined about our way forward. The Capitol will continue to endure as a beacon of democracy, serving and inspiring future generations, yet our success depends upon our collective ability to be consistent and unwavering in our focus, commitment, and results.

On behalf of the Architect of the Capitol staff, I thank you for your support, and look forward to answering your questions.

[The information follows:]

Statement of J. Brett Blanton
Architect of the Capitol



Architect of the Capitol Fiscal Year 2023 Appropriations

**Statement before the Subcommittee on Legislative Branch,
Committee on Appropriations, United States House of Representatives**

April 27, 2022

Chairman Ryan, Ranking Member Herrera Beutler and members of the Subcommittee, I appreciate the opportunity to present the Architect of the Capitol's (AOC) Fiscal Year (FY) 2023 budget request of \$1.67 billion.

As you know, the AOC supports the day-to-day operations of Congress, the Supreme Court and the Library of Congress. Carrying on traditions of unique craftsmanship and ingenuity, the AOC is responsible for the operations and care of more than 18.4 million square feet of facilities, 570 acres of grounds and thousands of works of art. The Capitol campus is home to 30,000 daily occupants, with more than 2,200 AOC employees serving around the clock in diverse roles to maintain and preserve the buildings and grounds.

Recognizing the trust placed in us by Congress and the American people, the AOC team is committed to providing a safe and inspiring experience for all who visit and work at this cherished symbol of democracy. Fundamentally, the overall success of the AOC begins with our staff. Every day, I strive to create a positive environment where AOC employees have the skills, training, equipment and support to serve Congress and the Supreme Court on behalf of the American people. I am committed to ensuring workforce readiness and maximizing employees' talents, skill sets and professional development. This budget emphasizes the importance of recruiting and retaining critical staff to accomplish this important work.

I. Capitol Security Comes First

Physical security is of paramount importance across the Capitol campus. Since my first day as Architect, physical security has been one of my top priorities. In close and continuous coordination with my counterparts at the U.S. Capitol Police (USCP) and the House and Senate Sergeants at Arms, we are committed to making the Capitol campus as safe and open as possible.

The AOC's FY 2023 budget request demonstrates a renewed emphasis to support the security needs throughout the Capitol campus. For this reason, security infrastructure projects constitute a significant portion of our budget request. As the Committee knows, the FY 2023 budget request reflects the urgent and significant recommendations of the comprehensive physical security assessment completed by the AOC on behalf of the Capitol Police Board. In the days ahead, I will continue to work with my partners on the Capitol Police Board to address the top priorities arising from this assessment. Some of the projects will be implemented quickly, while the complexity of others will require more design and fabrication effort. At the same time, there is constant coordination between the AOC's Chief Security Officer and the Capitol Police Board. Working together, we can achieve our shared mission and goals.

To that end, the AOC is requesting proportionate funds to support the USCP's increased operations so that the USCP can fully implement its own programs and address pressing needs. This budget reflects how the AOC and USCP security improvement projects are intertwined and aligned. For example, the AOC seeks funding to improve direct communication lines with USCP related to incident management, security responses and coordination. In addition, the AOC is seeking funding to support emergency response, security and resilience requirements of the

AOC's life, health and safety responsibilities to the Capitol Police Board. The requested funds will also provide necessary support for exigent requirements and special events that arise unexpectedly. Finally, the AOC is completing a design process for vestibules at the north and south entrances of the U.S. Capitol Building. The budget request includes funds for construction of these vestibules as well as the design of vestibules around the congressional office buildings.

In addition, the AOC is requesting resources to address a finding by the AOC's Inspector General regarding Emergency Management Training. With this requested funding, the AOC will be able to train and prepare AOC staff to respond to emergency situations, including natural disasters or other life safety emergency events. At the same time, the AOC is requesting resources to provide rapid response support to unplanned critical security events as well as rapidly deployable security elements. The budget request also reflects the AOC's ongoing efforts to improve cybersecurity and to protect our networks from any intrusion by malicious threats. The AOC maintains continuous 24/7 monitoring to detect and respond to any cyber incidents. Finally, this request reflects the AOC's increased responsibility to acquire pandemic response materials.

We know our efforts are critical to the safety of Members and the staff working on the Capitol campus, and we are dedicated to ensuring continuity of operations. With the Committee's full support, the AOC can fully achieve its responsibilities to support our partners as we work together to keep the campus safe and secure.

II. Tackling Deferred Maintenance with Modern Tools

I am continuing efforts to achieve transformative change across campus by deploying modern tools to tackle the challenges of aging facilities and infrastructure. Over the past two years, the pandemic has affected costs of all major projects in the form of supply chain shortages, raw material cost increases and increases in competition for skilled labor.

The AOC's capital budget request is focused on projects with immediate urgency. Project funding will support the lifespan of the facilities as well as address critical needs ranging from preserving priceless artwork to replacing roofs, installing emergency generators and improving campus security. The AOC's priority projects are focused on needs where the period of useful life has already been exhausted or is approaching its end.

Looking ahead, we are working on solutions that will improve predictability of maintenance needs and create efficiencies that will save taxpayer dollars. With the Committee's support, the AOC is launching a new Enterprise Asset Management (EAM) system that will provide a thorough asset management strategy to inform work priorities and provide for data-driven fiscal decisions and prioritization. Specifically, EAM will serve as a new tool to aid decision-making about operating, maintaining and renewing building and infrastructure assets such as machinery, vehicles and construction equipment. With sufficient resources for ongoing implementation, EAM will allow the AOC to manage maintenance-based strategies proactively, mitigate obsolescence, restore reliability, reduce long-term costs and forecast resource requirements.

EAM will also maximize return on investment while enhancing decision-making priorities. I am committed to implementing a disciplined, consistent approach to annual inspections and anticipating key infrastructure lifecycles. With this approach, the AOC can mitigate costs associated with deferred maintenance requirements.

Every day we work to preserve our historic and aging infrastructure for the benefit of future generations. At the same time, we are working tirelessly to upgrade our capabilities and facilities to meet the technological, space, sustainability and accessibility needs of a 21st-century workforce.

III. Maintaining a Safe Environment for All

The safety of everyone on the Capitol campus is a top priority. The budget request reflects prioritization of projects based on imminent needs. Life and safety issues, as well as components that are beyond their service life, are high on the list.

One critical area is the Capitol Power Plant's requests to address utility tunnel repairs. Within the utility tunnels, deteriorating concrete and piping components need immediate repair to reduce the risk of tunnel failure. These repairs are urgent to avoid interruptions of electrical, water, steam and communications services to the Capitol campus for an extended period.

In this area and others, we continue to dedicate time and attention to training, safety procedure review and communications, and supervision of our workforce to ensure they are operating in the safest manner possible across the entire campus. Fire alarm and sprinkler system upgrades at the U.S. Capitol and other critical areas will address code deficiencies, reduce the risk of system failure and improve facility safety for building occupants.

This year, we initiated the Building Official program, contracting with dedicated experts to ensure stakeholders follow the same set of established building codes and consistent processes for permitting. The FY 2023 budget request includes funding to expand the Building Official program beyond initial pilots, implementing it more broadly and providing staffing and resources for technically sound code reviews of construction efforts in AOC-managed facilities. This effort will identify performance standards to increase transparency and provide quantifiable standards linking service needs to resource requirements, ultimately contributing to a safer working environment in every facility.

Dedicated experts will ensure that established building codes and permits will be tracked for all construction and infrastructure work with a centralized data, management and oversight system. These procedures can be implemented for numerous projects to repair components and infrastructure that are at or beyond their service life. For example, planned projects include fire suppression system replacements and roof repairs on several buildings. Another example is reflected in the funding request for the kitchen and exhaust system on the House side of the U.S.

Capitol to accomplish exhaust upgrades and necessary improvements to dated electrical and plumbing systems.

The AOC is also seeking funds to begin asbestos removal in the Rayburn Building hallway ceilings. While the asbestos in the ceilings is safe if undisturbed, new coats of paint are no longer an effective mitigation due to the weight extra layers of paint will place on the ceiling surfaces. With the FY 2023 request, the AOC is seeking to begin the first year of a 10-year project to remove asbestos in the most safe, efficient and cost-effective manner possible. Rather than proceeding with piecemeal abatement, the AOC will achieve greater results by removing all the asbestos at one time in designated hallways in a phased approach during the course of the project by setting up appropriate safety measures and HEPA filtration in the planned work area.

Accessibility also remains a top priority, with accessibility considerations incorporated into every project. For example, as part of the U.S. Botanic Garden Conservatory Security Upgrade Project, the AOC is planning to install automatic door openers to improve accessibility. Several of the FY 2023 Line-Item Construction Projects incorporate accessibility work, including the Rayburn Building's west plaza courtyard waterproofing restoration project. This project will address waterproofing components that are more than 50 years old and have exceeded their lifespan of 15-20 years. Water has infiltrated and damaged stairwells in the lobbies below. As part of the project, there will be improved accessibility through a ramp extension, and the landscape will be restored to its original design, consistent with the House Office Buildings Complex Cultural Landscape Report.

The AOC is also focused on sustainability and energy conservation efforts that prioritize resource conservation. In fact, over the last 15 years, the AOC has reduced its energy intensity levels by 50 percent, reducing energy requirements and ultimately saving taxpayer dollars. Through its practices, the AOC sequestered 700,000 pounds of carbon dioxide, saved nearly 8 million gallons of water, and saved over 250,000 kilowatt-hours of energy on an annual basis.

In addition, the AOC continues to improve recycling programs, not only for personal use inside facilities but also on construction sites. For example, the AOC diverted 10,000 tons of construction and demolition debris from the landfill, recycling 98 percent of all construction debris generated. We also continue to implement sustainable groundskeeping practices such as reducing water demand by capturing runoff and using native plants and perennials.

Looking to the future, the AOC will begin work on an updated Capitol Complex Master Plan, which will serve as a foundational document for master planning over the next 20 years. The master plan will also incorporate findings and recommendations of the AOC's ongoing Transportation and Mobility Study. With the Committee's support, these reports will set forth a robust vision for future generations.

IV. Pushing Past the Pandemic

The COVID-19 pandemic still permeates AOC operations and projects. As the Congress labors day and night, AOC employees are working nonstop to keep the entire campus clean, sanitized and well maintained to enable Members of Congress and congressional staff to do their jobs safely. The AOC team continues to meet campus needs by serving as the legislative branch purchasing agent for PPE, managing the specialized cleaning of spaces, and ensuring the facilities and utilities are well maintained for ongoing and future congressional needs.

As the Committee is aware, we are now welcoming school groups back to the U.S. Capitol. As we plan to welcome even more visitors back, we look forward to the launch of the CVC's Exhibition Hall Redesign Project later this year. This project aims to provide visitors with an engaging environment to learn about the legislative process and democracy. We look forward to welcoming students of all ages to this wonderful new space.

The U.S. Botanic Garden (USBG) also remains a treasured public institution. With the Committee's encouragement, we seek to continue the USBG's Urban Agriculture Program, which provides educational resources, training for veterans, capacity building programs with other public gardens, and educator professional development programming. In a short period, this program achieved demonstrated success to support communities facing food access challenges. In addition, the USBG is also requesting funding to complete design of a new Production Facility Renewal Project. With resources for substantial renovation and renewal of this critical support facility, the USBG can continue to achieve key goals related to horticulture, operations and maintenance, education and outreach, and sustainability.

V. Conclusion

The AOC has made significant progress on our transformational efforts. As I have testified previously, delayed funding for projects has consequences, and we need adequate, consistent funding for ongoing improvements. Otherwise, we may face vulnerabilities associated with the deterioration and deferred improvements of these historic buildings and treasured grounds.

We need to work together to adopt a multi-year approach for planning, design and execution of major projects. This budget submission also reflects agencywide efforts to transform the AOC by adopting a more predictive approach to facilities maintenance.

Across the board, I am committed to leading the agency in long-term, strategic planning that will prepare the campus for the next century. With your ongoing support, we can protect and preserve this cherished institution as well as all of those who serve here.

Thank you for your thoughtful consideration of our FY 2023 budget request, and I look forward to the opportunity to address any questions.

SECURITY NEEDS IN FY 2023 REQUEST

Mr. RYAN. Thank you, Mr. Blanton. We appreciate it. We appreciate your testimony.

We know you are seeking to implement a lot of the recommendations that were given to you for improvements to build the whole campus up and to provide security. So I have got two or three questions along those lines, because, as Ms. Herrera Beutler said, this is a significant increase that you are requesting.

So if you could, you know, share with us a little bit just to give us a little background on what you all have done already with regard to safety around the campus. What is the coordination level that you are having right now with the Capitol Police and the Sergeant at Arms around the security, and how does the budget request correspond to funding requests from the Capitol Police? If you can kind of go through that for us, it would be terrific.

Mr. BLANTON. Yes. Thank you.

Over the past year, we have done, using existing appropriations—well, let me back up.

Immediately following the events of January 6th, we asked for transfer authority so that we could do a comprehensive physical security assessment of the Capitol Building and the Capitol complex. This assessment broke the Capitol into several zones where we were looking at the different security ratings within these zones.

Paramount to this was making sure that we aren't defending ourselves against the last battle, but realizing that taking lessons learned from the events of January 6th and using that to inform a number of different threat scenarios across the campus. Concurrently, we have been doing upgrades to the Chamber—the House Chamber. The Speaker's lobby was upgraded, the Chamber doors were upgraded, and also the gallery was upgraded.

We also built a new foundation alarm around the Capitol Building that will help deter and identify when people are trying to scale the Capitol. We have upgraded kiosks for the Capitol Police. We have in the House leadership offices within the Capitol Building installed peepholes to the leadership doors, installed anti-intrusion hinges on leadership doors, and other security devices. So there has been a great deal of work that is going on.

The current projects that are identified in the AOC's 2023 request have been greatly coordinated with both the House and the Senate Sergeant at Arms. They were involved in the process from the beginning, as well as the Capitol Police, to develop what the scope for the comprehensive security assessment and the mitigations that we are asking to fund afterwards.

And can you forgive me, I can't remember what your third question was. Capitol Police. I apologize.

The Capitol Police is getting a significant increase in their manning and budget and personnel requirements. You will see in my budget is a commensurate increase, because, for example, when you have more officers, we need to lease more space and they need more storage, and so there is a tail associated with the increase in Capitol Police.

I will say, we have worked very closely together to ensure that any Capitol Police initiative has identified the AOC portion of that

initiative so that we can determine and have full visibility of what the solution on the Capitol Police side is, and what it involves on the AOC side.

FY 2023 PRIORITIES

Mr. RYAN. And now, what other priorities are reflected in here that maybe you haven't mentioned? I will give you a minute or two to answer that.

Mr. BLANTON. Thank you.

Mr. RYAN. Outside of the comprehensive assessment.

Mr. BLANTON. Life safety and deferred maintenance. If you look at all of our projects, with the exception of the resubmission for the Module 7 book storage for the Library of Congress, every one of them is addressing either a life safety or a deferred maintenance issue.

Of great concern to me is our fire suppression around this entire Capitol complex and the deterioration of the utility tunnels, the 4 miles of utility tunnels around campus. Some of these are being held up by wood shoring. I have people that go in there every day, and there is a risk that it could collapse.

We have expansion joints. I don't know if you have seen videos in the past of where manholes were shot out 40 to 60 feet in the air in New York City when these expansion joints break. And so that is a danger to not only my staff, but it is also a danger to anybody who is walking around campus at that particular time.

Mr. RYAN. Ms. Herrera Beutler, 5 minutes.

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

On that last front, has that—your request for funding on those issues, is this something that was made by your predecessor? I have a hard time believing that we have spent this much money on the Cannon Renewal Project. And some of it was really necessary and then some of it was just changing it and updating it. But it is hard to believe that some of those, like, whatever was more cosmetic or artificial is more important than what you just described.

Mr. BLANTON. These requests were submitted in previous years. In fact, all of them are really follow-on phased programs. They just get funded in smaller increments. And now some of the deterioration has been accelerating over recent years.

FIRE SAFETY

Ms. HERRERA BEUTLER. Okay. Thank you.

Well, let's talk about the fire safety piece of that. So you, you know, in talking about the—you shared with us your concern over the lack of sprinklers in the Capitol Building and, obviously, the hazard there. In the omnibus that was recently passed, there was \$6.8 million to address that concern. Will that adequately meet that need to eliminate this hazard or do you need more—do you think more needs to be done? And then also, what is the timeframe for installation of a sprinkler system now that those funds are in hand?

Mr. BLANTON. Thank you. The \$6.8 million was actually for design, the design effort for the sprinklers within the Capitol Building. It finishes the sprinklers in the basement and then addresses

the sprinkler systems in the first through third floors. The fourth floor was done through in-house labor forces using our already appropriated money.

With the timeframe, this is a very extensive design for this building because you have to make sure that we are not just putting red pipes up on this historic fabric. It is going to take at least a year and a half for the design effort, which would then put this, at the earliest, in line for a 2025 budget submission.

Ms. HERRERA BEUTLER. So we are not getting any like actual fire suppression benefit out of that money this year? It is all——

Mr. BLANTON. No. It is designing it this year.

Ms. HERRERA BEUTLER. We just hope that a fire doesn't start?

Mr. BLANTON. Unfortunately, that is the risk, and that is what scared me about the events of the 6th, if inadvertently something happened.

Ms. HERRERA BEUTLER. Started a fire.

Mr. BLANTON. Yes. I will say, we are going to be also using my already appropriated dollars from 2022 to do attic sprinkler system within the Chamber. That will make it so if we have a fire in the Chambers, that there will be a means of safely egressing out of it.

Ms. HERRERA BEUTLER. Something like the wood or the really flammable material. I guess it kind of just depends on the room you are in, huh? It depends on where you are at.

Mr. BLANTON. That is correct. Some of the rooms are——

Ms. HERRERA BEUTLER. Better than others.

Mr. BLANTON. Yes.

CAPITOL POLICE BOARD

Ms. HERRERA BEUTLER. Okay. We learned in an emergency, don't be in the Chamber.

Let's see. So I wanted to switch a little bit to the Capitol Police Board transparency. And, you know, as the AOC, you are one of the three voting members now, right, of the Capitol Police Board. Last year, you suggested the Board does have some—has some needless secrecy.

And I wanted to know, do you think that the—because they have made a lot of changes here. They are finally, you know, implementing those GAO recommendations, or at least a number of them they are on track to.

Do you think it is still the case, in terms of the transparency of the Capitol Police Board, or are there further changes you would recommend?

Mr. BLANTON. I think the Capitol Police Board has made monumental improvements post-January 6th. The coordination is significant between all entities of the Capitol Police, including the chief of police and their staff, much greater than it ever has been in the past.

And with that, there is definitely—and I don't want to speak for the other Sergeants at Arms, but we have a great sense of wanting to be as transparent as possible.

Ms. HERRERA BEUTLER. Good. Good. Thank you.

That is all I have, Mr. Chairman.

Mr. RYAN. Thank you, Ms. Herrera Beutler.

We are going to the distinguished gentleman from New York, Mr. Espallat.

CONCERNS REGARDING STAFF DISCRIMINATION

Mr. ESPAILLAT. Thank you, Mr. Chairman. Thank you once again for allowing me to ask questions.

Mr. Blanton, the AOC has a pattern of discrimination going back 20 years, and a pattern of settling lawsuits with no further action in terms of firing the perpetrators involved, who, in fact, in some cases was a supervisor.

How will your budget address this alarming internal matter, and how will you hold bad actors accountable, especially with already two allegations just this year?

Mr. BLANTON. Thank you for the question. I can tell you I take this very seriously. I will say the allegations that are from this year are actually legacy allegations that were just coming up in court now. They have been reviewed by AOC, and in one of them it was determined that the allegations were not true.

One of the challenges we have with it is when it goes to court the U.S. attorney that is taking the case oftentimes will do a settlement, and that settlement is not actually negotiated between AOC and the individual. It is between the U.S. attorney and the individual themselves, since they are representing the United States Government. And then we will find—like in one of the cases, we actually found out about the negotiated settlement by reading about it in the newspaper. We weren't even informed of it.

What we are doing now is we are under a multiyear journey to change the culture of AOC. I am investing significant resources in a cultural transformation. This is starting from the top, where it is modeling good behavior, to now we are getting down into the more senior-level supervisors.

We are, in areas where we are noticing issues, whether it is from discrimination or if it is just bullying or some other culture issues, we are having small working groups with them to bridge each other and teammates.

The issue with AOC is some people come from various cultures all around this area. We are a very diverse, both geographically and racially, organization. And something—

Mr. ESPAILLAT. That should be a strength, Mr. Blanton. That should not be a liability or weakness. The diversity issue should be a strength. But if you don't have the systems there in place to keep people from engaging in this kind of behavior, it will continue to be a problem.

Mr. BLANTON. Those are the systems that we are putting in place because I believe diversity is a strength to an agency as well; diversity in individuals but also diversity of thought, because you bring in different experiences and different ways of looking at it when you have a diverse org—looking at any problem when you have a diverse organization.

And that is what those small groups are really meant to do is to really build that glue that keeps the organization together and builds upon our diversity.

CAPITOL POLICE BOARD TRANSPARENCY

Mr. ESPAILLAT. Mr. Blanton, real quickly, as the Architect of the Capitol, you are one of the three voting members of the U.S. Capitol Police Board. The Capitol Police, including the Board, have come under significant criticism for a perceived lack of transparency and accountability to congressional stakeholders and the general public.

In fiscal year 2021 and 2022, this committee directed the Capitol Police to create a process for the public to request records, to publish arrest information as data, and to make the Capitol Police Inspector General reports available online. So far, none of these directives have been implemented. Can you explain why, and when are they going to be in place?

Mr. BLANTON. Congressman, I will have to take that up with the Capitol Police and get back to you, because I cannot speak for the chief of police. I don't know—

Mr. ESPAILLAT. You are a member of the Board, correct?

Mr. BLANTON. That is correct. But I want to make sure that I am coordinating an answer with the chief of police so that we get you the proper answer. I will take that for the record.

Mr. ESPAILLAT. Thank you.

Mr. Chair, I yield back.

Mr. RYAN. Thank you, Mr. Espailat.

And, Mr. Blanton, let me just say that I think the entire committee is in agreement with Mr. Espailat in the issues he is bringing up, and we are very concerned about it and hope you will report back to us with the answers, and continue to try to change the culture there. And this committee stands ready to help in any way that we can.

The distinguished gentleman from Nevada, Mr. Amodei.

Mr. Amodei.

Mr. AMODEI. Thank you for your courtesies. We are just monitoring you. And I yield back.

Mr. RYAN. The distinguished gentleman from Washington State, Mr. Newhouse.

FY 2023 BUDGET JUSTIFICATION

Mr. NEWHOUSE. Thank you, Mr. Chairman. Good to hear from you, the chairman from the State where the home of the very first professional baseball team, the Cincinnati Red. Go Reds.

Welcome, Mr. Blanton. Thank you for being with us. Just a real general question first. We did get your budget detail. I appreciate that. However, noticing on your website, justification for the budget has not been posted. And since we are looking at an increase from I think last year \$782 million enacted budget to this year's request of over \$1.6 billion, can we expect that detail to be posted soon, sir?

Mr. BLANTON. The justification for it?

Mr. NEWHOUSE. Yes, sir.

Mr. BLANTON. Of that, \$600 million total are security projects so that detail won't be posted, but I will offer to have a meeting with you and discuss any of those projects in as much detail as possible.

CANNON HOUSE OFFICE BUILDING RENEWAL

Mr. NEWHOUSE. That would be very welcome. Thank you. I appreciate that. And maybe the rest—some of the other members of the committee might be interested in those numbers as well.

My office is in the Cannon Building, and so the renewal project is reminded of several times a day. It was started I believe my first year, 2014, initially expected to last for 10 years and cost \$752 million. At this point, the last number I heard, we are expecting a \$934 million cost. IG report of March of this year stated that because of COVID and the events of January 6th, cost to complete this project probably will increase by another \$5.6 million.

So a question: Is that correct?

And also, I understand that the phases one through five include renovating the existing fifth floor of the building. Is that still the plan? Will the fifth floor continue to be worked towards completion?

Mr. BLANTON. That is correct. The fifth floor is in this phase and the last phase. We are still going to continue the construction of new suites and build-out of the fifth floor.

The report the IG referenced, those were mostly historic costs that were eaten in the program. And when we received funds from the COVID and security supplemental, we reimbursed the project for those costs. And I appreciate the support of the committee for that.

The latest increase from the integrated cost schedule risk analysis is really focusing on the inflationary aspect of the materials now. The materials have—they have gone wide in their fluctuation in cost. At one point, they were up over 100 percent. Now they are down at an increasing of a 70 to 80 percent for some of the key materials, like cobalt steel that are used for the walls and stuff like that.

We are continuing focus on that, but we are seeing that is going to lead in phase three for a \$33 million increase than what we expected. That was funded in our fiscal year 2022 omnibus. I appreciate the great support of this committee for the Cannon Project.

What you see in 2023 and on our 2024, that is really cash flow so that we can pay the contractor bills. It is not to get the award of the contract. That is what we needed to do in the 2022 budget.

CAPITOL VISITOR CENTER

Mr. NEWHOUSE. Well, thank you.

Short amount of time left, and I wanted to ask you a little bit about the Capitol Visitor Center. There is a request for over \$27.5 million there. As far as I understand, the CVC is still closed to the public. It may be set to reopen soon, next month.

As you can imagine, my office has been flooded with requests for constituent tours. In fact, a couple of weeks ago, I had a group of constituents that had to wait outside in the rain outside the Cannon Building in order to get through, since they have to go through my office for tours.

Just wanted to verify that information, if it is still closed? Is it set to reopen? And if you could share with us the metrics you used in choosing the delayed reopening of the Capitol Visitor Center.

Mr. BLANTON. Thank you for the question. The Visitor Center itself is closed as an entrance to the Capitol Building. The reason for that is manpower for the Capitol Police. It takes a significant amount of police presence to have the main doors of the Visitor Center manned.

The chief is confident that he will have—because of the increased number of people going through the Federal Law Enforcement Academy, that around the Memorial Day weekend, that he will have enough manning to open—partially open the doors in the front, which then would allow the rest of the Visitor Center to be open.

Mr. NEWHOUSE. Okay. That would be awesome. Thank you. Thank you for being with us today.

Mr. Chairman, I yield back.

Mr. RYAN. Thank you, Mr. Newhouse.

The distinguished gentlewoman from Massachusetts, Ms. Clark.

ENERGY CONSERVATION

Ms. CLARK. Thank you, Mr. Chairman.

Thank you, Mr. Blanton, for being with us again. I wanted to focus first on the energy conservation efforts that you are undertaking. I understand you are partnering with DOE, DOE's National Renewable Energy Lab, to complete an analysis of potential renewable energy opportunities. And I wondered if that analysis has been completed and, if so, if you could share some of the opportunities you may have identified.

Mr. BLANTON. The analysis is still underway.

Ms. CLARK. Okay.

Mr. BLANTON. I will be more than happy to share the results with you. I think it—I am excited for it. I will say that I am very proud in the energy conservation measures that the AOC has undertaken.

If you look at the goals that were established under the Energy Policy Act of 2005, when we used a baseline that was common across the entire Federal Government, we have reduced our energy intensity—and that is measured by the amount of energy per square foot—by almost 50 percent in a 15-year period, which is significant.

If you were to rank all of the Federal agencies across the entire government, we would have the third greatest reduction in energy conservation—in energy consumption. And a lot of that is by our cogeneration plant that we got funded for several years ago, through an energy savings performance contract, and also due to these energy-saving performance contracts at various jurisdictions around campus.

The study that we are doing with Renewable Energy Lab is now looking, instead of having them done in silos, like one for the House and one for the Senate and one for the Library, is doing it broad across campus so we can maybe get more synergies from the different jurisdictions.

Ms. CLARK. Well, that is great. How is—I know some of the early analysis was looking at solar. Are you evaluating the feasibility of solar across the campus?

Mr. BLANTON. Yes. Yes, we are. My rule of thumb is for every roof project we do, I want to have an analysis of solar to be put on that roof if we can make it fit into the historic fabric or structurally fit.

IMPACT OF JANUARY 6TH ON THE CAPITOL

Ms. CLARK. Great. On the condition of the Capitol complex facilities, I know the recent estimate of damage caused by the January 6th attack on the Capitol is a total of 2.7, which is up from the \$1.5 million estimate from May 2021. I wonder if you could tell me sort of what drove some of that up, and have you initiated a comprehensive facility security assessment?

Mr. BLANTON. Thank you. I will answer the second question first. We did a campus-wide facilities—a comprehensive security assessment post-January 6th. We used the Army Corps of Engineers Threat Reduction Center, which really is their expertise in the entire executive branch. Like, for example, they do the White House. We have also brought in the Defense Threat Reduction Agency to come up with scenarios, risk-based scenarios that we would come up with physical mitigations to.

And so that is complete. We have been briefing oversight and appropriators in both a classified and unclassified setting on this so that we could provide details at the appropriate level for Members and staff. I will welcome providing a brief to you if you are interested.

GENDER NEUTRAL RESTROOMS

Ms. CLARK. Okay. Great. I have two quick questions about restrooms. One, we have three gender-neutral or single-stall restrooms for five House Office Buildings. Do you have a plan for building out more of these in your renovation and construction?

Mr. BLANTON. The short answer is yes, because one of my initiatives is having a building official that goes through and reviews every project for code. So when we do a major renovation, it is now modern code to have what they call family restrooms. They could be any—male, female, and children can go in together. Those will be—those would be gender-neutral restrooms. And, we are looking to make sure that our restrooms meet ADA criteria as well.

FEMININE HYGIENE PRODUCTS

Ms. CLARK. Okay, great. Yes, we have a problem with that as well.

Very quickly, I see my time is out, we talked in the report language from last year's budget about making sure that your budget covered free feminine hygiene products available to no cost in our House Office Building restrooms. Does your budget include that or do you need additional resources to get that done?

Mr. BLANTON. We don't need additional resources.

Ms. CLARK. Okay.

Mr. BLANTON. What we did identify is either, whether it is report language—and I would prefer if this is done joint between the House and the Senate and, say, across campus. The cost is small

enough that it is already mixed into every one of our jurisdictions' budgets.

Ms. CLARK. Okay. Thank you very much.
And I yield back, Mr. Chairman.

CHAIRMAN RYAN CLOSING REMARKS

Mr. RYAN. Thank you, Ms. Clark.

Mr. Blanton, thank you. We appreciate it.

In the interest of government efficiency, we are finished with our agency hearings. So no one could ever say that the Legislative Branch Subcommittee is not efficient.

But we look forward to staying in touch. A lot of the issues that the committee raised here today are very important for us, for our constituents who visit here, for the Capitol Police, and all the staff members that work here.

So we got a lot of work to do, and we are going to go over your budget very, very carefully. We know it is important, and we want to support you the best we can. And we appreciate your time here today, and we will be in close contact with you over the coming months.

With that, this hearing is adjourned.

WEDNESDAY, MAY 18, 2022.

MEMBERS' DAY

WITNESSES

HON. DEREK KILMER, MEMBER OF CONGRESS

HON. WILLIAM R. TIMMONS, MEMBER OF CONGRESS

OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. The committee will come to order.

This hearing is fully virtual, so we need to address a few house-keeping matters.

Members are responsible for muting and unmuting themselves. For the purposes of eliminating inadvertent background noise, the chair or staff designated by the chair may mute participants' microphones when they are not under recognition.

If I notice when you are recognized that you have not unmuted yourself, I will ask you if you would like the staff to unmute you. If you indicate approval by nodding, staff will unmute your microphone.

We will begin with the chair and ranking member. Then, members present at the time the hearing is called to order will be recognized in order of seniority.

We are using the 5-minute clock, which you will notice on your screen. It will show how much time is remaining. If there is a technology issue, we will move to the next member until the issue is resolved, and you will retain the balance of your time.

Finally, in regard to adding extraneous or additional material to the record, per House rules we have set up an email address where members can send anything they wish to submit for the record after seeking recognition for its inclusion. That email address has been provided in advance to your staff.

I am pleased to welcome each of you to the Legislative Branch Member Day hearing. It is very important that the subcommittee hear the concerns of our fellow legislators and members of the public before we begin the work on marking up our fiscal year 2023 subcommittee bill.

We hope you are pleased with the progress that we have made last year on issues raised in the past concerning staff retention, salaries, interns, and Capitol complex security initiatives.

We realize that we have more work to do. We look forward to hearing your suggestions, and we will do our best to incorporate them into the bill, providing allocations will allow us to do so.

At this point, I would like to yield to my colleague and friend, the ranking member, distinguished gentlelady from Washington State, Ms. Jaime Herrera Beutler, for any opening comments that she may have.

OPENING STATEMENT OF RANKING MEMBER HERRERA BEUTLER

Ms. HERRERA BEUTLER. I am grateful to be here. Looking forward to hearing everybody's thoughts. I know some of you put a lot of effort and careful consideration into how we can make this place better. I am excited to hear from you all.

And I yield back.

CHAIRMAN OUTLINES PROCEEDINGS

Mr. RYAN. Great. I thank the gentlelady.

I am pleased to welcome both the chair and the ranking member of the Select Committee on Modernization, Mr. Kilmer, a fellow appropriator, and Mr. Timmons, as our first two witnesses today.

Your work to modernize Congress is appreciated. And, through our efforts together, Congress can continue working to become more transparent and more efficient.

Mr. Levin, I also look forward to hearing from you today.

Without objection, your full statements will be entered into the record.

Would the Member representing the Sixth District of Washington, Mr. Kilmer, please begin with your oral remarks?

WITNESS

HON. DEREK KILMER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. KILMER. Thank you, Chairman Ryan and Ranking Member Herrera Beutler. Thanks for hosting today's Member Day hearing, and thank you for your leadership and partnership.

I am here to talk about the work of the Select Committee on the Modernization of Congress, which I have the honor of chairing in partnership with the vice chair, William Timmons, who is here too.

The select committee's guiding principle is to make Congress work better for the American people. That simple but somewhat profound goal guides our work on the committee. It helps us identify institutional problems, and it helps us develop solutions to those problems.

To date, the select committee has issued 142 bipartisan recommendations to make Congress more effective, efficient, and transparent on behalf of the American people. Those recommendations address a wide range of topics that include boosting congressional capacity, encouraging collaboration and civility in the institution, improving staff recruitment and retention, and modernizing technology, among other things.

All told, over two-thirds of the select committee's recommendations have seen meaningful action toward implementation, with 30 of our recommendations having been fully implemented. The committee's implementation success story is due in large part to the hard work of our numerous partners in the House, including this subcommittee.

And I first want to emphasize the important contributions this subcommittee made to modernizing the House workforce. The recent increase in the MRA, enhanced funding to compensate committee interns, the establishment of the House Task Force on a Di-

verse and Talented Workforce are all crucial investments to the capacity of the House. And this action and the Speaker's recently announced minimum annual pay will ensure that the House remains competitive in hiring and retaining expert staff to better serve the American people.

This subcommittee also provided funding for a biennial bipartisan retreat. The select committee made that recommendation, to hold bipartisan retreats, and we are hopeful that it takes place next Congress and believe it will encourage Members to make connections with their colleagues and create trust and help everyone find at least a bit of common ground.

Today, Vice Chair Timmons and I want to highlight some of the ways we believe we can continue to make progress to modernize the House.

First, we support increased funding for the Modernization Initiatives Account, which this subcommittee established last Congress. Previously, the CAO requested \$10 million for this account, and, since that time, the select committee has issued nearly 100 new recommendations.

Increased funding from the \$2 million appropriated last year would support projects undertaken by the newly established House Digital Service as well as initiatives by the Clerk's Office to establish a database of committee votes and adopt modern tools to help deconflict scheduled committee hearings—I say as I am in three hearings at the same time.

Congress is stronger when Members find ways to work together to solve problems. This subcommittee can support the effectiveness of Congress by continuing to support expanded programming options that foster civility and collaboration through the Congressional Staff Academy and the new Congressional Member Leadership Development Program.

Additionally, the Modernization Committee has put forward recommendations for the development of technology tools that would facilitate Members working together on developing policy initiatives together in a more collaborative way.

Congress is also stronger when it receives and leverages the best possible information from the invaluable legislative support agencies. We would request support to ensure that the products, services, and outreach of these agencies are designed to meet the needs of an evolving Congress. Having the support agencies report regularly to Congress on any challenges they are facing accessing Federal data would also give us the opportunity to intervene, if appropriate, and help them to help us.

I would also like to address the physical and digital accessibility barriers that prevent people from having a voice in the legislative process. I am requesting support—our committee is requesting support for removing accessibility barriers and providing greater information about entrance security procedures for visitors and staff with disabilities, as well as the establishment of a designated drop-off and pick-up point.

Finally, I would like to mention a request I made that reflects the spirit of investing in our staff and, thus, our capacity. I am requesting that this subcommittee look at the authority of the Student Loan Repayment Program and consider opportunities to open

the program to payments of tuition as well as loan repayment. Tuition assistance programs are widely available in the private sector and in Federal agencies, and a House program would help us both keep expert staff here longer and actually help us develop staff expertise during their employment in the House.

Making Congress work better for the American people is a worthwhile investment, and, on behalf of the Select Committee on Modernization, I appreciate your consideration of these requests. I am happy to provide any additional information to support your work.

And, again, thank you for the opportunity to speak before the subcommittee today.

[The information follows:]

Statement for Rep. Derek Kilmer (WA-6)
House Committee on Appropriations, Subcommittee on the
Legislative Branch
Member Day, May 18, 2022

Chairman Ryan and Ranking Member Herrera Beutler, thank you for hosting today's Member Day hearing and thank you for your leadership.

I am here today to talk about the work of the Select Committee on the Modernization of Congress, which I chair alongside Vice Chair William Timmons. The Select Committee's guiding principle is to make Congress work better for the American people. This simple but profound goal guides all our work on the committee; it helps us identify institutional problems and it helps us develop solutions to those problems.

To date, the Select Committee has issued 142 bipartisan recommendations to make Congress more effective, efficient, and transparent on behalf of the American people. These recommendations address a wide range of topics that include boosting Congressional capacity, encouraging collaboration and civility in the institution, improving staff recruitment and retention, and modernizing technology, among others.

All told, over two-thirds of the Select Committee's recommendations have seen meaningful action toward implementation, with 30 of our recommendations having been fully implemented. The committee's implementation success story is due in large part to the hard work of our numerous partners in the House, including this subcommittee.

I first want to emphasize the important contributions this subcommittee made to modernizing the House workforce. The recent increase in the MRA, enhanced funding to compensate committee

interns, and the establishment of the House Task Force on a Diverse and Talented Workforce are all crucial investments to the capacity of the House. This action and the Speaker's recently announced minimum annual pay will ensure the House remains competitive in hiring and retaining expert staff to better serve the American people.

This subcommittee has also provided funding for a biennial, bipartisan retreat. The Select Committee made the recommendation to hold bipartisan retreats, and we're hopeful that it takes place next Congress and believe it will encourage Members to make connections with their colleagues, create trust and help everyone find common ground.

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Congress is stronger when Members find ways to work together to solve problems. This subcommittee can support the effectiveness of Congress by continuing to support expanded programming options that foster civility and collaboration through the Congressional Staff Academy and the new Congressional Member Leadership Development Program. Additionally, the Modernization Committee has put forward recommendations for the development of technology tools that would

facilitate members working together on developing policy initiatives together in a collaborative way.

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Finally, I'd like to mention a request I made that reflects the spirit of investing in our staff and thus our capacity. I am requesting that this subcommittee look at the authority of the Student Loan Repayment Program and consider opportunities to open the program to payments of tuition as well as loan repayment. Tuition assistance programs are widely available in the private sector and in federal agencies, and a House program would help us both keep expert staff here longer and develop staff expertise during their House employment.

Making Congress work better for the American people is a worthwhile investment. On behalf of the Select Committee on Modernization, I appreciate your consideration of these requests and am happy to provide additional information to support your work.

Thank you for the opportunity to speak before the subcommittee today.

Mr. RYAN. Thank you, Mr. Kilmer. Appreciate that. And we appreciate all your good work too.

And I just am very excited about what you guys have been able to present to us and others here in Congress over the last couple of years. I think it is really, really important. And I think some of the ideas you are putting forth this year are really important as well.

So big thanks to you. Let's continue to try to see what we can do together.

Mr. Timmons, you are up.

HON. WILLIAM TIMMONS, A REPRESENTATIVE FROM THE STATE OF SOUTH CAROLINA

Mr. TIMMONS. Well, thank you, Mr. Chairman.

Chairman Ryan and Ranking Member Herrera Beutler, thank you for hosting today's Member hearing. And thank you for your leadership. You all really have been so critical in implementing a lot of the recommendations that the select committee has made. And we are just very thankful for your willingness to work together to really improve this place and heal this institution. We have made a lot of progress over the last 3½ years, and we have 7 more months, and we are going to be sprinting to the finish line.

I am here today to talk about some of the recommendations the select committee has made to make Congress a more effective and efficient institution. I have really enjoyed serving with the vice chairman. Kilmer and I have become close friends and partners, and we have made a lot of progress, but, as I said, we have more work to do.

I am proud of what we have accomplished since the inception of this select committee in the 116th Congress. We have proven that it is possible for Members from both sides of the aisle to sit down together, engage in challenging but productive discussions, listen and learn from one another, and ultimately find bipartisan solutions to the challenges that we all face.

I also want to highlight your subcommittee's leadership in investing in the staff that make this place work. Expert staff ensure the House is able to carry out its Article I and oversight responsibilities. With the amount of money we send to the executive branch every year, it makes sense to make this small investment in staff to assist us in overseeing how that money is spent. Enhancing compensation for committee interns and the recent increase to the MRA send a message that we are building out our capacity to represent our constituents, and I just want to thank you for your work in that area.

I also want to join the chairman in highlighting some of the select committee's recommendations that we think should be supported this year. A modern Congress is one that is well-equipped to serve the American people, and we think that is worthy of continued support.

I first want to underscore the importance of the Modernization Initiatives Account. This flexible account is important to implementing initiatives to make the House more transparent and accessible.

Enhanced funding may help support the Clerk's Office in providing committee staff with modern tools to help deconflict Member schedules while we are in session. We have spent a lot of time talking about the calendar and the schedule, and we need more resources to really maximize our ability to deconflict our time on the Hill. So I think that is a very important area.

We can do our best work when we are getting the best information possible from legislative support agencies. Providing the direction and support needed for the Library of Congress to produce nonpartisan summaries of bills before they receive votes would help us, as Members, be informed when we vote.

If support agencies are encountering challenges accessing the data they need to do their work, they should be directed to report regularly on these challenges and any actions Congress can take to support their efforts. These agencies also need to ensure their products, services, and outreach are designed to meet the needs of an evolving Congress. We are constantly changing; so should they.

This subcommittee can also promote civility and bipartisanship through report language—in particular, directing the Architect of the Capitol to explore bipartisan co-working spaces for staff, along with encouraging the CAO to build out curricula centered on civility and collaboration as part of the Congressional Leadership and Staff Academies. This can help generate a more productive work environment.

The request that the chair and I submitted to you last month advanced select committee recommendations that will make Congress work better for the American people, and I believe that is a worthy investment. I appreciate your consideration of these requests, and I am happy to provide additional information to support your work.

Again, thank you so much for the opportunity to speak with you today, and I appreciate your support in these endeavors. I yield back.

[The information follows:]

**Statement for Rep. William Timmons (SC-04)
House Committee on Appropriations, Subcommittee on the
Legislative Branch
Member Day, May 18, 2022**

Chairman Ryan and Ranking Member Herrera Beutler, thank you for hosting today's Member Day hearing and thank you for your leadership.

I am here today to talk about some of the recommendations the Select Committee on the Modernization of Congress has made to make Congress a more effective and efficient institution. I serve as Vice Chair of the Select Committee, alongside Chair Derek Kilmer. We work as partners to identify problems and develop solutions to make Congress work better for the American people.

I'm proud of what the Select Committee has accomplished since its inception in the 116th Congress. We've proven that it's possible for Members from both sides of the aisle to sit down together, engage in tough but productive discussions, listen and learn from one another, and ultimately find bipartisan solutions to the challenges we all face. The Committee has passed 142 recommendations to improve the way Congress works and has overseen implementation progress on over two-thirds of those recommendations. I want to reiterate the importance of our partners in the House, including this subcommittee, for leading on modernizing the House.

I also want to highlight your subcommittee's leadership in investing in the staff who make this place work. Expert staff ensure the House is able to carry out its Article One and oversight responsibilities. With the amount of money we send to the executive branch every year, it makes sense to make the small investment in staff to assist us in overseeing how that money is spent. Enhancing compensation for committee

interns and the recent increase to the Members' Representational Allowance send the message that we are building out our capacity to represent our constituents.

Today I want to join Chair Kilmer in highlighting some of the Select Committee's recommendations that we think should be supported. A modern Congress is one that's well equipped to serve the American people and we think that's worthy of continued support.

I first want to underscore the importance of the Modernization Initiatives Account. This flexible account is important for implementing initiatives to make the House more transparent and accessible. Enhanced funding may help support the Clerk's office in providing committee staff with modern tools to help deconflict Members' schedules while we're in session.

We can do our best work when we are getting the best information possible from legislative support agencies. Providing the direction and support needed for the Library of Congress to produce nonpartisan summaries of bills before they receive votes would help us as Members be informed when we vote. If support agencies are encountering challenges accessing the data they need to do their work, they should be directed to report regularly on these challenges and on any actions Congress can take to support their efforts. These agencies also need to ensure their products, services, and outreach are designed to meet the needs of an evolving Congress.

This subcommittee can also promote civility and bipartisanship through report language. In particular, directing the Architect of the Capitol to explore bipartisan co-working spaces for staff, along with encouraging the Chief Administrative Officer to build out curricula centered on civility and collaboration as part of the Congressional Leadership and

Staff Academies, can help generate a more productive work environment.

The requests that the Chair and I submitted to you last month advance Select Committee recommendations that will make Congress work better for the American people, and I believe that's a worthy investment. I appreciate your consideration of these requests and am happy to provide additional information to support your work.

Thank you for the opportunity to speak before the subcommittee today.

Mr. RYAN. Appreciate that, Mr. Timmons, and we appreciate your contribution.

And you guys work in such a great bipartisan way, which is very refreshing in this body. But you guys just finding the sweet spot, finding the things that you can agree on and move together, I think, is very, very refreshing. And I know you have a commitment to reform, including in this institution.

So we appreciate your contribution, how closely you work with Mr. Kilmer. And, you know, he has periodic spats of depression because he is a Seattle Seahawks fan, and we understand that. And so you are just going to—you know, I just want to give you the heads-up in case you catch him on a bad Monday, which he has a lot of. I am just going to—I will leave it at that.

Mr. Levin, look forward to your remarks.

Mr. Levin?

Ryann, is Mr. Levin with us?

Ms. KINNEY. He is actually voting in a markup right now, so he is going to have to miss it.

[The information follows:]

Mr. RYAN. Okay. No worries.

Great. Do any of the members of the committee have any questions for our guests?

Mr. NEWHOUSE. I have a question, Mr. Chairman.

Mr. RYAN. Yes. The gentleman from Washington State.

WITNESS

HON. DAN NEWHOUSE, A REPRESENTATIVE FROM THE STATE OF WASHINGTON

Mr. NEWHOUSE. Thank you.

And thank you, Mr. Kilmer and Mr. Timmons. Appreciate your being with us today and so much appreciate your work. I was on the select committee for the 116th and truly believe that it is an effort well worth it.

As you remember, one of my focuses was improving civility. Maybe we have made some progress there, but there is still a lot of work to do in that area.

And one of the things that I thought was a good result of some of the precautions taken during the pandemic was allowing the use of the Speaker's Lobby for Members' use only and not for members of the press. I thought it lent itself to greater opportunity for interaction between Members of Congress. Kind of a safe haven, so to speak, off the noisy floor, where you could have private conversations.

And I see that that is no longer the case, and I just wondered if there was any progress that we might expect there.

And, then, as far as modernization is concerned, certainly some people advocate for remote voting, and maybe some of that could be considered proxy voting. And I just wanted to put my two cents' worth in, that continuing the proxy voting should not be part of a modernization effort. I don't think it lends itself to good governance.

But that is just my opinion about that, and I hope we don't continue that practice.

So, any comments from either of you, I would appreciate it. Thank you.

Mr. KILMER. I am happy to take a swing, Mr. Chairman.

So, first of all, Congressman Newhouse, we miss you on the modernization committee and appreciate your focus on civility and collaboration.

Our committee has—

Mr. TIMMONS. We will take you back. We will take you back if you want to come back.

Mr. NEWHOUSE. Would you? Oh. It is good to be wanted. Thank you.

Mr. KILMER. We have made a number of recommendations related to the use of space. And, as you mentioned, one of our recommendations was to have space, whether it be, as you mentioned, the Speaker's Lobby or just someplace in proximity to the House floor, that could be identified for Democrats and Republicans to engage one another, collaborate with one another outside of the eyes of the C-SPAN cameras and the press, where, you know, it would be valuable for Members to be able to have discussions. That exists on the Senate side. That doesn't currently exist on the House side.

As Vice Chair Timmons mentioned, we have also made a recommendation to have some co-working space where, you know, if Congresswoman Herrera Beutler's team and my team are working on legislation together or on an appropriations request together, that there may be an area where Members could get together and collaborate, you know, that is kind of—with nobody getting a home-field advantage, necessarily, but just a place where folks can work together.

Again, most modern workplaces have that kind of a co-working space. A lot of the executive-branch agencies have that. Congress does not right now. And we have recommended that that be something that gets a good look.

Mr. NEWHOUSE. Good. Good. Thank you.

Mr. TIMMONS. I will follow up with a couple things.

We were able to make recommendations regarding a separate budget for committees to have beginning-of-the-year bipartisan dinners at the Library of Congress.

We were able to make a recommendation that would facilitate additional bipartisan meeting space. I know you recall how challenging it was for us to find places to break bread in the Capitol, so we have made that recommendation.

Obviously, we previously recommended about orientation, to make it more bipartisan.

We do have a couple more—I am hopeful we will get a couple more recommendations in the civility space.

I definitely agree with you that, once we get the furniture back in the Speaker's Lobby, it wouldn't be that challenging to have the reporters stay outside of the Speaker's Lobby. So, I mean, I think that is something we can explore going forward. We got have a lot of space in the Capitol, and they don't need to be in the Speaker's Lobby; it is not necessary.

And then we also made recommendations to create more bipartisan space for both staff and for Members, hopefully, in the Capitol, outside of just the Members' Dining Room. So we are trying

to create more opportunities for collaboration in a, you know, even playing field, not on one person's turf or the other.

So we are still working on it very hard, and I agree that it is an important priority.

Mr. NEWHOUSE. Well, again, thank you guys for your hard work. And I think you have shown tremendous progress, made a lot of good suggestions, and many of them have been implemented.

You know, I would consider coming back to the committee. The likelihood of disparaging comments of our favorite sports teams is less to happen on your committee, Mr. Kilmer, than this one.

So thank you very much, Mr. Chairman.

Mr. KILMER. You have my commitment, Dan, that we won't disparage any Washington State team.

Mr. TIMMONS. At least you all have a State team. We don't have any professional teams in South Carolina. So, you know, there is that.

Mr. RYAN. You guys barely have any college teams down there, last I checked.

That is coming from an Ohio State guy. Come on.

Any other questions for this very distinguished group of panelists?

No?

Great. Well, in all seriousness, you guys are great, and we really appreciate your recommendations. And you guys are digging into some issues that, you know, this committee just doesn't quite have the time for, which is the whole purpose of the Modernization Committee. And I think a lot of Americans would be very, very proud to see you guys working together like you are. So we appreciate it. Thank you for joining us.

I want to take a brief moment to thank my subcommittee colleagues and the staff for a job well done—Faye and Ryann and Rachel on my team and the entire staff and team and all of your staffs as well. We got through a lot of material, a lot of hearings. And now we continue to slog through this and try to figure out what it is going to look like.

This is our last hearing for the fiscal year 2023 budget cycle, so big thanks to everybody. And we will see you on the House floor.

Thank you. The hearing is now adjourned.

[Information submitted for inclusion in the record follows:]

ANDY LEVIN
9th DISTRICT, MICHIGAN
312 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-4961
30500 VAN DYKE AVENUE
SUITE 306
WARREN, MI 48093
(586) 498-7122
WWW.ANDYLEVIN.HOUSE.GOV

Congress of the United States
House of Representatives
Washington, DC 20515-2209

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Congressman Andy Levin

**Testimony Before the House Appropriations Subcommittee
on the Legislative Branch for Fiscal Year 2023**

FY 2023 Members' Day Hearing—Wednesday, May 18th, 2022

Chair Ryan, Ranking Member Herrera Beutler, and Members of the subcommittee, thank you for holding this members' day hearing and providing the opportunity to testify today.

Earlier this year, I was honored to introduce a House resolution in support of congressional workers' right to organize. The resolution approves regulations issued in 1996. Following the passage of the Congressional Accountability Act in 1995, the Office of Compliance—now known as the Office of Congressional Workplace Rights—adopted regulations that would extend legal protections to congressional staff who choose to organize and bargain collectively. These regulations required Congressional approval for enactment, and for twenty-six long years, they lay dormant. At long last, on Tuesday May 10, the House passed the resolution—completing the final step to give most congressional workers in the House legal protection to organize and bargain collectively. In other words, House staffers are now free to organize and join a union without fear of retaliation, if they so choose.

Now, we turn to implementation of congressional unionization. My testimony today will address two matters before the subcommittee: adequate funding for the Office of Congressional Workplace Rights (OCWR), and language to permit unionization for joint congressional staff.

OCWR is charged with enforcement of workplace rights in the legislative branch. This includes supervision and certification of union elections, adjudication of claims under the Congressional Accountability Act, and the investigation and prosecution of unfair labor practices. For over two decades, OCWR has handled labor management for unionized offices of the legislative branch (for instance, employees of the Library of Congress and the Capitol Police). In the face of widespread House unionization, though, OCWR will be tasked with labor relations for potentially hundreds more offices.

In March, the Committee on House Administration held a hearing on implementation of collective bargaining rights for House staff. At this hearing, OCWR General Counsel John Uelmen testified that the Office would require additional funding in light of expanded House unionization. Extending legal protections to House staff will require additional staffing and resources for OCWR, beyond the flat budget requested for fiscal years 2021 through 2023. Uelmen testified that, in order to smoothly and expeditiously respond to the unionization effort, OCWR would require \$500,000 and two full-time employees.

As I requested in my letter of April 27, I respectfully request the Committee direct increased funding to OCWR in order to respond to expanded unionization, in the amount of \$500,000 and to add two full-time employees.

The benefits of unionization will now be available to House staff. I urge the subcommittee to also recognize the workplace rights of joint staff shared between the House and the Senate – for instance, the Congressional Budget Office and OCWR. While previously implemented regulations allow some staff shared between the House and the Senate to unionize, many joint employees will remain unprotected and unable to unionize. In the case of OCWR employees, this means they are tasked with the difficult challenge of implementing House-wide unionization procedures – yet are not afforded those protections in their own office. As House staffers are now protected in unionizing, I urge the Committee to recognize these same rights for joint congressional staffers by including language in the appropriations bill that applies section 220(e) to these shared offices. Inclusion of this simple language will extend much-needed legal protections to congressional employees of joint offices.

Chair Ryan and Ranking Member Herrera Beutler, all workers deserve a union. The Legislative Branch subcommittee has an opportunity to recognize congressional staffers in fiscal year 2023, by appropriating additional funds to OCWR and including language to extend legal protections to joint staffers. Thank you.

STEVE COHEN
 9TH DISTRICT, TENNESSEE
 2104 RAYBURN HOUSE OFFICE BUILDING
 WASHINGTON, DC 20515

 TELEPHONE: (202) 225-3265
 FAX: (202) 225-5663

 167 NORTH MAIN STREET
 SUITE 369
 MEMPHIS, TN 38103

 TELEPHONE: (901) 544-4131
 FAX: (901) 544-4329

WWW.COHEN.HOUSE.GOV

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House of Representatives
 Washington, DC 20515-4209

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 IN EUROPE (U.S. HELSINKI COMMISSION)

May 13, 2022

The Honorable Tim Ryan
 Chairman
 Legislative Branch Subcommittee
 House Committee on Appropriations
 Washington, D.C. 20515

The Honorable Jaime Herrera Beutler
 Ranking Member
 Legislative Branch Subcommittee
 House Committee on Appropriations
 Washington, D.C. 20515

Dear Chairman Ryan and Ranking Member Herrera Beutler:

Thank you for the opportunity to present my top priority for the Fiscal Year 2023 Legislative Branch Appropriations bill to ensure we lead by example and reduce plastic pollution. I appreciate your consideration of this request to include report language reaffirming the Subcommittee's support for implementing a procurement ban on single-use plastics.

The world is drowning in mountains of single-use plastic waste, which has been made worse by an inadequate recycling infrastructure struggling to keep up. The most effective way to reduce plastic pollution is to reduce the volume of single-use plastics and other containers that are being used in the first place and subsequently clogging the recycling stream.

The federal government has a responsibility to lead on this and other environmental issues, and in that context, the prevention of plastic waste is most easily accomplished by putting a stop to the federal procurement of these products wherever possible. By cutting waste at the source, the federal government can immediately reduce the resulting waste and set an example for state and local governments, businesses, and constituents on how to address mounting waste today.

Our domestic recycling industry certainly needs more support. But while Congress debates the best way to strengthen our waste infrastructure, we should act immediately to minimize our waste and reduce the burden on the nation's processing and recycling systems.

I was pleased that the Subcommittee included language I previously requested with Representatives Mike Quigley, Alan Lowenthal and Mark DeSaulnier directing agencies to eliminate or reduce plastic waste in the last two fiscal years' appropriations bills and reports. Unfortunately, single-use plastics are visibly still in frequent use across the Capitol Complex. I ask that the Subcommittee reaffirm its support for eliminating or reducing plastics and direct the Architect of the Capitol to provide a report on the status of implementing the Sec. 210 plastic waste reduction directive not later than 30 days after enactment of the upcoming appropriations

bill. I was proud to be joined in this request by more than 20 colleagues, including my co-leads Representatives Quigley and Lowenthal.

Thank you for considering this important request and for your leadership on the Subcommittee.

Sincerely,

A handwritten signature in black ink that reads "Steve Cohen". The signature is written in a cursive, slightly slanted style.

Steve Cohen
Member of Congress

SETH MOULTON
SIXTH DISTRICT, MASSACHUSETTS
HOUSE COMMITTEE ON ARMED SERVICES
HOUSE COMMITTEE ON BUDGET
HOUSE COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE



UNITED STATES
HOUSE OF REPRESENTATIVES

1127 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
202.225.8020
21 FRONT STREET
SALEM, MA 01970
978.531.1669
MOULTON.HOUSE.GOV
@TEAMMOULTON

Dear Chair Ryan, Ranking Member Herrera Beutler, and Members of the Legislative Branch Appropriations Subcommittee:

Thank you for the opportunity to submit testimony. I am writing to express my support for increasing intern funds and raising the monthly pay cap for Congressional interns.

Every Member I know and every Committee room I have sat in share one common feature: we use interns to help us keep track of a thousand moving pieces within Congress and ensure that we are providing our constituents the resources and information they need. These undergrads, graduates, and recent graduates are determined to serve in their government, performing thankless work over long hours, often for little to no pay. It is remarkable that the U.S. government relies so heavily on low-pay or unpaid interns to keep itself running. Interns are the face of our office to many, and they consistently step up to tackle work that would otherwise slip through the cracks. Whether it be answering the phones, taking notes in hearings, or helping staff review legislation, interns play an integral role in keeping all of our offices running smoothly.

Last year, Armed Services Committee Chairman Adam Smith and I led our annual appropriations letter to augment intern pay funds. I was pleased that your subcommittee adhered to our request and raised the annual appropriated funds in FY2023 to \$35,000 per office, up from \$25,000 in FY2022. That 40 percent increase demonstrated that the Appropriations Committee appreciates the tremendous role interns play here in Congress. This year, Chairman Smith and I are yet again asking for additional funds, this time at \$46,800 per office, which would be the equivalent of 1.5 interns per year, working full time for \$15 per hour. Our letter garnered over 100 cosigners and I sincerely hope that the committee will seek to yet again augment funds.

But whether or not this request is granted, another issue requires scrutiny from both the Legislative Branch Appropriations Subcommittee and the Committee on House Administration. While funds to pay interns increased, the monthly cap of what our offices are able to pay them, given such funds, didn't see accompanying changes. As a result, it is still impossible for any office to use these appropriated funds to properly compensate an intern working 40 hours per week at a minimum wage of \$15 per hour. The current monthly ceiling for intern compensation, \$1,800, impairs our ability to make good on our promise of fairer pay.

By breaking down barriers to entry for prospective interns, we can build out a more diverse set of future leaders more representative of our districts. Every aspirational policy maker in America

ought to have the opportunity to become a Congressional intern, regardless of his or her economic background. In its current state, our internship program caters to those who can afford to forego pay and still afford all the necessities the position requires: paying rent in an expensive city, affording business attire to wear to work, and putting food on the table. Those costs add up quickly.

I understand that this issue does not fall squarely in the jurisdiction of appropriators and thus my request extends to the Committee on House Administration. In particular, I believe the cap should be raised from \$1,800 per month per intern to \$5,000 per month per intern.

I am proud of the work each class of interns provides my office and my constituents, and I know you all are as well. I see these eager, bright minds tackling challenging problems every day, and they give me great hope as we look to give the reins of power to the next generation of leaders. Without interns, Congress would cease to function. For their sake and our own, I hope that we can find a way to properly compensate them for their work.

Sincerely,

A handwritten signature in black ink, appearing to read "Seth Moulton", with a stylized flourish at the end.

Testimony of Rep. Mike Quigley, Illinois' Fifth District
Before the House Legislative Branch Appropriations Subcommittee
Concerning Public Access to Congressional Research Service Reports

Dear Chairman Ryan, Ranking Member Herrera Beutler, and Members of the
 Legislative Branch Appropriations Subcommittee:

Thank you for the opportunity to provide my views in support of public access to all non-confidential Congressional Research Service reports. Since 1970, the Congressional Research Service has created thousands of non-confidential reports that significantly inform congressional and public understanding of the issues before the Congress. CRS, which receives approximately \$100 million annually in taxpayer funding, now makes many of the reports directly available to the public through its website pursuant to direction by Congress. The public deserves full and unfettered access to these important documents in a similar manner and format as they are available to Members of Congress and their staff. I have long been a champion of public access to CRS reports.

In FY 2018, the House Appropriations committee adopted my amendment in favor of public access to CRS Reports (H. Rept. 115-199). It stated: "The Committee directs the Library of Congress's Congressional Research Service (CRS) to make available to the public, all non-confidential reports." There were no qualifications as to the scope of the non-confidential reports that should be made available.

The Consolidated Appropriations Act, 2018, (P.L. 115-141) contained legislative language directing the Library of Congress on how to make non-confidential CRS Reports publicly available. Specifically, it created a framework whereby the Library should first publish online all non-confidential CRS reports currently available on CRS's internal website. Then, the Library was encouraged to publish "non-current reports," i.e., historical CRS reports that were not on CRS's internal website on the day the law went into effect. The purpose of that framework was to *immediately* publish online those reports that were already internally published while providing the Library with time to work through its historical reports.

Publication of historical CRS reports is important because they often contain information that are relevant to ongoing public debates, provide important context on historical congressional decision-making, and serve as a reference for CRS staff when they respond to questions or generate new or updated CRS products. There are recent examples where members of Congress have cited historical reports — obtained through third party sources — and Congress, the public, the press, and academics should have full access to the non-confidential expertise that tax dollars have funded for more than a half-century.

In 2018, [CRSReports.Congress.Gov](https://www.congress.gov/crs-reports) went live and over time many non-confidential CRS reports have been made publicly available. However, despite the explicit FY 2018 committee report language concerning all CRS reports and the accompanying

legislative language, the Library of Congress have not published all non-confidential CRS reports online. In fact, the Library of Congress indicated at its September 2020 Virtual Public Forum and again in 2021 that it will not make the reports publicly available absent additional congressional direction.

I urge you to clarify the matter for the Library of Congress and for CRS. Please once again direct the Library of Congress and the Congressional Research Service to make publicly available all non-confidential CRS reports, including those not available on CRS's internal website.

CRS has indicated there are 30,000 non-confidential reports in its archive. Many of these non-public reports already are digitized and are maintained by CRS in a repository known as CRSX. Furthermore, CRS has indicated conversion of the current CRSX archive over a one-year period would require about 40 FTE of contract support at an estimated cost of \$2,400,000. CRS may be significantly overestimating the costs of completion. Regardless, it is not necessary to publish all the reports all at once, and it would be reasonable to start with the low hanging fruit. The Congressional Research Service should be afforded the flexibility to allocate resources and employee time over several years to accomplish this task so long as it is made clear that CRS must publish all its non-confidential CRS reports within a reasonable time span.

Availability of CRS reports is crucial, but true accessibility is arguably just as important. Publication of a report solely in a PDF format is suboptimal. Reports should be

published in more modern and flexible internet-friendly formats. Publication as a PDF alone undermines the full integration of CRS reports into the rest of the Congress.gov website, weakens the findability of the reports by search engines, impairs reuse by civil society, may make them less accessible to individuals with visual impairments, and prevents them from being readable on mobile devices where the screens are too small to display readable PDFs.

CRS currently publishes its current reports internally in an HTML format in addition to PDF. This is significantly more flexible than PDF alone and would address the issues we mentioned above. To the extent CRS already has prepared and published reports in an HTML format, they should publish the report online in that format in addition to the current PDF format, just as they currently do for their Congressional user base. CRS has estimated doing so would cost \$60,000 and six months to complete. Again, we find this to be an unusually high estimate of the cost. Regardless, we would be open to allowing the Government Publishing Office to publish the CRS reports in HTML format, as they have significant experience with publishing information as data. Nevertheless, to the extent reports already exist in an HTML format, the Library of Congress should either directly make them available online or partner with GPO to make this happen.

Some historical CRS reports, however, likely will not be available as HTML. They may only be available as PDFs, or as image files, or might potentially need to be scanned. In those cases, we urge the Library to focus on making the reports available in whatever format they currently have and to work to provide additional formats after publication.

The model used by the Law Library of Congress with respect to its Foreign Law Reports, where they were scanned and published online first and then enhanced as part of a public crowdsourcing effort, would be welcome.

Since 1995, Members of Congress, the public, civil society organizations, and the media have clamored for direct, reliable public access to CRS reports. As a matter of transparency and open government, the American people should have ready access to non-confidential works of the government that explain the important issues before Congress. I urge you to direct that all non-confidential CRS reports be made publicly available and to direct the Library of Congress to ensure that they are published online in multiple formats that are best adapted for use on the internet by the widest possible audience.

